



WEB COPY



A.S.No.150 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11/6/2025

C O R A M

The Hon'ble Dr.JUSTICE **G.JAYACHANDRAN**

A.S.No.150 of 2022

R. Sivakumar ... Appellant

Vs

K.N.Shanmugasundaram ... Respondent

PRAYER: Appeal filed under Section 96 of the Code of Civil Procedure r/w. Under Order 41 Rule 1 of CPC against the judgment and decree made in O.S.No.13 of 2018 before I Additional District Judge, Coimbatore, dated 16/11/2021.

For appellant ... No appearance

For respondent ... Mr.R.Lakshmi Narasimhan



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A.S.No.150 of 2022

JUDGMENT

Appeal is filed by the defendant challenging the money decree.

2. When the stay petition was taken up for consideration, this Court, directed the appellant to deposit Rs.3 lakhs, on or before 17/6/2022 to the credit of O.S.No.13 of 2018 on the file of First Additional District Court, Coimbatore. The above order of this Court was passed on 29/4/2022 not complied.

3. When the matter was listed on 4/6/2025, there was no representation for the appellant. Hence, adjourned today.

4. Even today, there is no representation for the appellant. Learned counsel for the respondent is present. He reiterates that conditional order not paid and due to the pendency of the appeal, decree holder is not able to proceed to enforce the decree dated 16/11/2021.

5. It is also brought to the notice of this Court that the appellant had



A.S.No.150 of 2022

taken out an application to extend time for complying the condition, but the same was dismissed by an order dated 18/8/2022.

WEB COPY

6. In the light of the above fact, due to non-prosecution, Appeal Suit stands dismissed. No costs.

11/6/2025

mvs.

Index: Yes/No

Neutral citation: Yes/No

To

I Additional District Judge, Coimbatore,

Dr.G.JAYACHANDRAN,J

3/4



WEB COPY



A.S.No.150 of 2022

mvs.

A.S.No.150 of 2022

11/6/2025