



WEB COPY

CMP No. 3627 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-04-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CMP No. 3627 of 2025

in

A.S.No.170 of 2025

1. SENKOTTAIYAN

S/o. Kuzhanthaivel,
Poosapadikattu Kottagai,
Poosapadi Village and Post,
Chinnasalem Taluk,
Kallakurichi District.

Appellant(s)

Vs

1. Nadansababathi

S/o. Pazhaniyappa Gounder,
Chinnasalem Kattu Kottagai,
Chinnasalem Taluk, Kallakurichi
District.

Now Res. at, Anna Nagar, Sapabathi
Thanniya Mandi, Salem Main Road
(Opp to Canara Bank), Chinnasalem
Taluk, Kallakurichi District.

Respondent(s)



PRAYER

To grant an interim order of stay of all further proceedings of the judgment and decree dated 20.12.2024 passed in OS No. 30/2020 on the file of the Additional District Judge, Kallakurichi disposal of the above appeal

For Appellant(s): Mr.R.Nalliyappan

For Respondent(s): Mr. A Sivaji

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The Civil Miscellaneous Petition has been instituted to grant an interim order of stay of all further proceedings of the judgment and decree dated 20.12.2024 passed in O.S.No.30 of 2020 on the file of the Additional District Judge, Kallakurichi.

2. The money suit has been decreed and the defendant in the suit filed the Appeal suit. In the Civil Miscellaneous Petition, this Court asked the appellant to deposit the decree amount for grant of stay. However, the appellant is disinterested in depositing the decree amount. Thus, he is not entitled for any interim relief.

3. The main ground raised in the Appeal Suit is that the signature in the promissory note is forged. However, the judgment impugned reveals that the said document was sent for handwriting expert's opinion and Exhibit C1, Expert Report makes it clear that the signature in the Exhibit A1 Promissory notice is



that of the defendant. When the signature also has been proved through expert report, the petitioner is not entitled for the interim relief. The decree holder is at liberty to proceed with the execution petition.

5. Thus, the Civil Miscellaneous Petition stands dismissed.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

03-04-2025

GD

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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**S.M.SUBRAMANIAM
J.
AND
K.RAJASEKAR J.**

gd

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