



A.S.No.557 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 13.06.2025

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

A.S.No.557 of 2025

P.Ponnusamy,
S/o.Palaniappan,
Door No.13, Kattuvaavu 3rd Street,
Tirupur Town & Taluk.

... Appellant

/versus/

A.Palanisamy (deceased),

1. K.Suseela,
W/o.Kuppuraj,
No.151/A, Kuppanna Chettiyar Street,
Tirupur – 4.

2. M.Swarnalatha,
W/o.Moorthy,
No.24, Kannusamy Road,
R.S.Puram,
Coimbatore – 2.

3. G.Banumathi,
W/o.Ganesan,
No.2-4, 2nd Street,
Thennampalayam Extension,
Tirupur – 4.

... Respondents



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Appeal Suit has been filed under Section 96 of the C.P.C., pleaded to set aside the order and Final Decree dated 04.12.2024 passed in I.A.No.2032 of 2015 in O.S.No.629 of 2009 by the Learned I Additional District and Sessions Judge, Tiruppur and dismiss the suit by allowing the above first appeal.

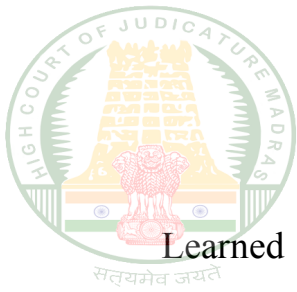
For Appellant : Mr.S.S.Swaminathan,
For Respondents : Mr.N.Manikandan, for R1 to R3

J U D G M E N T

The suit has been filed against the defendant/judgment debtor seeking final decree. The preliminary decree passed in the mortgage suit was challenged and allowed and therefore, a final decree was passed by the trial Court, on 04.12.2024.

2. This Court, before admitting the appeal, had caused notice to the respondents and also passed a conditional order that the appellant shall deposit a sum of Rs.18,00,000/-, to the credit of the suit in O.S.No.629 of 2009 on the file of the I Additional District and Sessions Judge, Tiruppur, on or before 12.06.2025, failing which the appeal will be dismissed, as there is no merits in the appeal.

3. When the matter came up for consideration on 12.06.2025, the



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Learned Counsel for the appellant sought time to verify whether the condition imposed by this Court *vide* order dated 22.04.2025 had been complied or not and hence, the matter was adjourned today (13.06.2025).

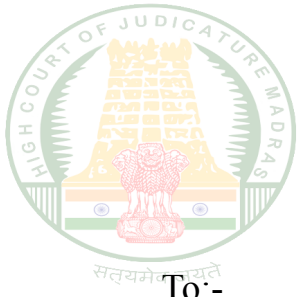
4. Today, the Learned Counsel for the appellant submitted that the appellant has not deposited Rs.18,00,000/- and the conditional order has not been complied with.

5. In the light of the above fact that, as already ordered by this Court on 22.04.2025, on failure of the appellant to comply the condition, the appeal suit will be dismissed, as there is no merits in the appeal, this appeal suit is dismissed accordingly. There shall be no order as to costs.

13.06.2025

Index :Yes/No.
Neutral Citation :Yes/No.
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Dr.G.JAYACHANDRAN,J.



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bsm

To:-

1. The I Additional District and Sessions Judge, Tiruppur.
2. The Section Officer, V.R. Section, High Court, Madras.

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