



WEB COPY



C.M.P.No. 13218 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2025

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.M.P.Nos. 13218, 10631 of 2025 & 24855 of 2024
and
A.S.No. 934 of 2024

C.M.P.No. 13218 of 2025

1.D.Ramesh
2.D.Kumar
3.D.Viji
4.D.Shanthi
5.D.Vasanthi
Dar Es Salaam,Tanzania
rep. By her Power Agent,
Mr.D.Ramesh
S/o. Late R.Devaraj,
No.303, MTH Road,
Villivakkam, Chennai – 600 049.

.. Petitioner/
Respondents

VS

R.Ramadoss

.. Respondent
/Appellant

Prayer : Petition filed under Section 151 CPC to permit the petitioners/respondents to withdraw the deposit amount of Rs.6,00,000/- lying to the credit of O.S.No. 3514 of 2021 on the file of VII Additional City Civil Court, Chennai.



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For Petitioners : Mr.G.Ilangovan

For Respondent : Mr.K.Chandru

ORDER
(Made by Dr. G. JAYACHANDRAN.,J)

A.S.No. 934 of 2024 filed by the defendant. Being aggrieved by the judgment and decree passed by the trial court in O.S.No. 3514 of 2021, wherein the decree of declaration of title in favour of the respondent herein granted along with relief of damages for the use and occupation of the suit schedule property from 04.02.2020 at the rate of Rs.21,000/- per month till date of delivery of physical possession of the property.

2. This Court on 20.11.2024 in C.M.P.No. 24855 of 2024 filed seeking interim stay of the impugned judgment and decree, passed a conditional order directing the respondent / appellant to deposit a sum of Rs.6,00,000/- in the credit of O.S.No. 3514 of 2021 on the file of VII Additional City Civil Court, Chennai.

3. The respondent / appellant has duly complied the said condition. The decree holder, who is the petitioner/respondent herein has taken out an application to vacate the interim stay stating that he is deprived of enjoying the property since 2020 and



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by interim stay of the decree his peril continues.

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4. Pending disposal of his vacate stay petition, he has filed yet another application in C.M.P.No. 13218 of 2025 seeking permission to withdraw the deposited amount of Rs.6,00,000/-.

5. Learned counsel appearing for the petitioner / decree holder / respondent in the appeal produced medical records stating that due to medical emergency, the petitioner is in dire need of money and, therefore, he may be permitted to withdraw Rs.6,00,000/- as a condition while entertaining the stay petition.

6. Learned counsel appearing for the respondent / appellant submitted that since there is serious dispute regarding the title and the dispute is between the brother's son, if the petitioner is permitted to withdraw the money, and at the end of the litigation if he loses his case, it will be difficult for the respondent / appellant to recover the money.

7. Though the said statement appears to be prima facie very impressive, this Court is of the view that the appellant, who has already suffered a decree after contest, cannot prolong



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inevitably by enjoying stay order and deprive the respondent, who is none other than his own brother's son from enjoying the suits of the property, that too, for his medical emergency expenses.

8. Hence we feel that it is appropriate to permit the respondent to withdraw a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) from the total sum of Rs.6,00,000/- which is deposited and lying in the credit of O.S.No. 3514 of 2021. The said withdrawal will be subject to the outcome of the appeal and if in case the respondent fails in the appeal, the said amount to be returned with interest at the rate of 12%.

9. C.M.P.No. 13218 of 2025 stands allowed.

[G.J, J.] [M.S.K, J]
07.11.2025

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

The VII Additional City Civil Court,
Chennai.



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DR. G. JAYACHANDRAN, J.
and
MUMMINENI SUDHEER KUMAR, J.

ssm

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