



C.M.P.No.18407 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.09.2025**

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **MUMMINENI SUDHEER KUMAR**

C.M.P.No.18407 of 2025

in

C.M.P.No.4559 of 2023

in

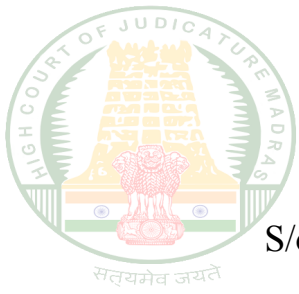
O.S.A.No.14 of 2023

1. The State of Tamil Nadu
Rep. by the Secretary to the Government
PWD, Fort St.George
Chennai-600 009.
2. The Superintending Engineer PWD
Periyar Dam Special Circle,
Madurai - 625 002
Presently at PWD, Water Resources Organisation
Periyar Vaigai Basin Circle,
Near Central Market, Madurai - 625 001. ... Petitioners

Vs.

P.P.Thomas (died)
Government Contractor
Palannattil House, Kunnackal Post
Muvattupuzha, Ernakulam District
Kerala - 682316.

1. Elizabeth P.V
W/o.P.P.Thomas
2. Paul P.Thomas



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S/o.P.P.Thomas

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3. Amma Anuji George
D/o.P.P.Thomas

4. Georgi Palannattil Thomas
S/o.P.P.Thomas

.. Respondents

Civil Miscellaneous Petition filed under Order XIV Rule 8 of O.S.Rules read with Section 148 of Civil Procedure Code, 1908, praying to extend the time granted on 09.06.2025 in C.M.P.No.4559 of 2023 in O.S.A.No.14 of 2023 by another three weeks.

For petitioners	: Mr.R.Ramanlaal Additional Advocate General assisted by Dr.S.Suriya Additional Government Pleader
for Respondents	: Mr.Bijesh Thomas

ORDER

(Order of the Court was made by **M.SUNDAR, J.,**)

On 09.06.2025, another Hon'ble Division Bench made an order in C.M.P.No.4559 of 2023 in O.S.A(CAD)No.14 of 2023 and the same reads as follows:

*'IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.06.2025
CORAM
THE HONOURABLE MR.K.R.SHRIRAM, CHIEF*



C.M.P.No.18407 of 2025

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JUSTICE
AND
THE HONOURABLE MR.JUSTICE SUNDER MOHAN
C.M.P.No.4559 of 2023 in
OSA(CAD) No. 14 of 2023

State of Tamil Nadu
Rep. by the Secretary to Government,
PWD, Secretariat, Fort St.George,
Chennai – 600 009 and another

Petitioner(s)

Vs

P.P.Thomas (died)
Government Contractor
Palannattil House, Kunnakkal (PO), Muvattupuzha,
Ernakulam District,
Kerala and 4 others

Respondent(s)

For Petitioner(s): Mr.R.Ramanlaal, AAG
Assisted by Dr.S.Surya, AGP(CS)

For Respondent(s): Mr.Babu Thomas
For R2 to R5
R-1 Died

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard Mr.Ramanlaal, learned Additional Advocate General for appellants, and Mr.Babu Thomas, learned counsel for respondent Nos.2 to 5.

2. Appeal impugns an order and judgment pronounced on 13.7.2022 by a learned Single Judge of this Court.

3. The operative part of the decree reads as under:

“That the first defendant herein, be and is hereby directed to pay to the plaintiff herein, a sum of Rs.2,19,91,730/- (Rupees Two Crores Nineteen Lakhs Ninety One Thousand Seven Hundred and Thirty only) as escalation with further interest at the rate



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of 9% per annum on the sum of Rs.1,03,91,049/- (Rupees One Crore Three Lakhs Ninety One Thousand and Forty Nine only) from this date till the date of realisation.

2) That the first defendant herein, be and is hereby directed to pay to the plaintiff herein, a sum of Rs.1,36,40,818/- (Rupees One Crore Thirty Six Lakhs Forty Thousand Eight Hundred and Eighteen only) towards cost of extracted stones by blasting with further interest at the rate of 9% per annum on the sum of Rs.64,22,500/- (Rupees Sixty Four Lakhs Twenty Two Thousand and Five Hundred only) from this date till the date of realisation.

3) That the first defendant herein, be and is hereby directed to pay to the plaintiff herein, a sum of Rs.6,27,305/- (Rupees Six Lakhs Twenty Seven Thousand Three Hundred and Five only) towards idling between 01.09.1989 and 28.12.1989 at Rs.2503 per day with further interest at the rate of 9% per annum on the sum of Rs.2,95,354/- (Rupees Two Lakhs Ninety Five Thousand Three Hundred and Fifty Four only) from this date till the date of realisation.

4) That the first defendant herein, be and is hereby directed to pay to the plaintiff herein, a sum of Rs.41,62,865/- (Rupees Forty One Lakhs Sixty Two Thousand Eight Hundred and Sixty Five only) towards idling of the concrete weigh batching plant and stone crusher unit between 09.01.1995 and 04.12.1995 with further interest at the rate of 9% per annum on the sum of Rs.19,60,000/- (Rupees Nineteen Lakhs and Sixty Thousand only) from this date till the date of realisation.

5) That since the plaintiff has partly succeeded, the plaintiff herein, be and is hereby entitled to proportionate Costs, and



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the first defendant herein, be and is hereby directed to pay to the plaintiff herein, a sum of Rs.4,00,000/- (Rupees Four Lakhs only) towards Court fees and a further sum of Rs.4,00,000/- (Rupees Four Lakhs only) towards lawyer's fees, witness and other expenses.

6) That the prayers B, F, G and I in the suit in C.S.No.190 of 2012 be and are hereby rejected."

4. The principal amount works out to Rs.4,08,22,718/-.

5. Shri Ramanlaal presses for stay.

6. Stay granted subject to appellants depositing with the Registrar General of this court a sum of Rs.4,08,22,718/- within four weeks of the order being uploaded. It is also subject to appellants' paying a sum of Rs.4,00,000/- awarded towards lawyer's fees, witness and other expenses, which amount shall be paid over to respondent's advocate on record within four weeks from today.

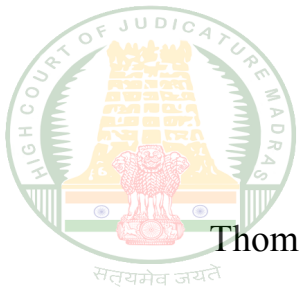
7. The amount deposited shall be invested in a Fixed Deposit with a Nationalised Bank for a period of 13 months and shall be renewed for a like period, unless the court otherwise orders.

8. Shri Babu Thomas seeks leave to withdraw the amount deposited.

9. Respondents may apply to the court for appropriate reliefs and the court will pass such orders as deemed fit.'

2. Adverting to paragraph No.6 thereat, Mr.R.Ramanlaal, learned Additional Advocate General for CMP petitioners submits that money could not be deposited within the time frame owing to certain internal delay in sanctioning and making of a Government Order.

3. It may not be necessary to dilate more on this, Mr.Bijesh



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Thomas, learned counsel for respondents, very fairly submits that he is not opposing the prayer.

4. In the light of the narrative thus far, time for deposit vide paragraph No.6 of order dated 09.06.2025 in C.M.P.No.4559 of 2023 in O.S.A(CAD)No.14 of 2023 is extended by three weeks from today. In other words, deposit shall be made on or before 25.09.2025. This Court has noticed that the captioned CMP has been filed on 29.07.2025, three weeks time is sought and the same is elapsed but nonetheless in the light of the fair stand taken by respondents we make this order and for the sake of specificity, we make it clear that all other aspects of 09.06.2025 order will remain unaltered.

Captioned CMP is disposed of in the aforesaid manner. There shall be no order as to costs.

[M.S.,J.] [M.S.K.,J.]
04.09.2025

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M.SUNDAR, J.,
and
MUMMINENI SUDHEER KUMAR, J.,

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