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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

C.M.P.No.24442 of 2024
C.R.P[NPD]No.4810 of 2023

P.Kavitha

Petitioner

Vs

T.Parthasarathy

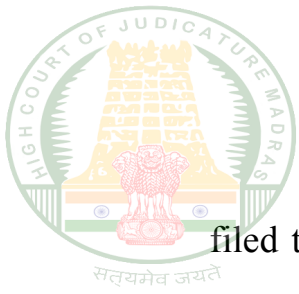
Respondent

For Petitioner : Mr.E.Sivanandan
For Respondent : Ms.V.Kaaviya
for Mr.A.R.Suresh

ORDER

This petition has been filed seeking extension of time to deposit 50% of the decree amount as ordered by the trial Court while allowing the application filed for condonation of 1080 days in filing the application to set aside the *ex-parte* decree dated 21.10.2019.

2.Challenging that condition imposed by the trial Court to deposit 50% of the decree amount while condoning the delay, the petitioner had



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filed the Civil Revision Petition before this Court in C.R.P[NPD].No.4810 of 2023. This Court vide order dated 03.01.2024 dismissed the above said civil revision petition. Challenging the dismissal order made in the civil revision petition, the petitioner preferred an Special Leave Petition before the Hon'ble Supreme Court which also came to be dismissed. While dismissing the said petition, since the submission was made that the petitioner is ready and willing to deposit the amount as ordered by the trial Court and sought time for depositing the amount, the Hon'ble Supreme Court has held that it is open to the petitioner to apply before the High Court along with a demand draft for the amount directed by the trial Court to be deposited and if such an application is filed, the High Court would consider the same on its own merits.

3.Pursuant to the said direction and observation made by the Hon'ble Supreme Court, the present petition has been filed seeking extension of time for depositing the amount along with demand draft for a sum of Rs.9,00,000/- (Rupees Nine Lakhs Only) drawn on Karur Vysya Bank on 23.07.2025.



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4.However, this Court is of the view that the demand draft has to be validated. Be that as it may, to give one more opportunity to the petitioner, the petitioner is directed to deposit a sum of Rs.11,83,455/- (Rupees Eleven Lakhs Eighty Three Thousand Four Hundred and Fifty Five Only) to the credit of the suit in O.S.No.240 of 2017 on the file of the I Addl. District Judge, Tiruvallur within a period of 12 weeks from the date of receipt of a copy of this order.

5.It is made clear that if the aforesaid amount is not deposited within the time fixed by this Court, the earlier order of this Court made in C.R.P.[NPD].No.4810 of 2023 dated 03.01.2024 would be revived automatically.

6.With the above direction, this Civil Miscellaneous Petition is ordered.

28.01.2025

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N. SATHISH KUMAR.J.,

rst

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