



C.M.P.No.25863 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

WEB COPY

THE HONOURABLE MR JUSTICE S.M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CMP NO. 25863 of 2024

in

AS.No.612 of 2024

R.K.Ramesh

Cee Dee Yes Greenwood Apartments, No.9/M,
D.No.21/12 (9/12), Gandhi Nagar, 3 rd Canal
Cross Street, Adyar, Chennai 20.

Appellant(s)

Vs

Rupa Rajesh

W/O.Late R.K.Rajesh , Flat No.S-4, II Floor,
No.11/24, Raja Street, Mandaivaeli, Chennai- 600
028

Respondent(s)

For Appellant(s):

Mrs.Vasudha Thiagarajan

For Respondent(s):

Mr.T.N. Rajagopalan
Decree Holder

ORDER

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

The respondent in the present miscellaneous petition instituted money suit, which was decreed in her favour. The execution petition has been



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instituted and pending before the Trial Court. Meanwhile, the appeal suit in A.S.No.612 of 2024 has been instituted by the petitioner.

2. This Court granted an order of interim stay on condition that the petitioner/appellant shall deposit the entire amount as ordered by the trial Court along with the accrued interest to the credit of O.S.No.8619 of 2021 on the file of XX Additional District and Sessions Judge, City Civil Court at Allikulam, Chennai within a period of four weeks from 21.10.2024.

3. On such deposit being made, the respondent/Decree Holder is permitted to withdraw a sum of Rs.10,00,000/- (Rupees Ten Lakhs only). It was made clear that if the conditional order has not been complied with, interim stay granted shall stand automatically vacated without reference to this Court.

4. The petitioner failed to comply with the conditional order passed by this Court on 21.10.2024, but filed the present miscellaneous petition on 03.11.2024, seeking extension of time by eight weeks for compliance of the conditional order dated 21.10.2024.



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5. The period of eight weeks extension sought for by the petitioner has already been expired. During earlier hearings, the parties made representation before this Court that they are willing to settle the issues, since a partition suit is also pending. However, the proposal for compromise has not been materialized. Contrarily, the parties are arguing the partition suit in the present appeal filed against the money suit decree. Therefore, the matter is prolonging.

6. The opportunity granted by this Court to arrive a compromise has not been fructified. Thus, this Court has no option but to consider the present miscellaneous petition on merits.

7. Accordingly, the petitioner is granted four (4) weeks extension of time from today to deposit the entire decree amount as ordered by the trial Court along with accrued interest to the credit of O.S.No.8619 of 2021 on the file of XX Additional District and Sessions Judge, City Civil Court at Allikulam, Chennai. In the event of non-compliance, the interim stay granted shall stand automatically vacated and the trial court shall proceed with the



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execution proceedings, which is pending.

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Accordingly, the Civil Miscellaneous Petition stands **disposed of**.

(S.M.SUBRAMANIAM J.) (K.RAJASEKAR J.)
12-02-2025

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***Note:** Registry is directed to list the appeal suit for final hearing, after two weeks.*

To

1. Rupa Rajesh

W/O.Late R.K.Rajesh , Flat No.S-4, II Floor, No.11/24,
Raja Street, Mandaivaeli, Chennai- 600 028



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