



WEB COPY

CMP No. 31401



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CMP No. 31401 of 2025

in

AS No.845 of 2025

1. Thangam

W/o.Late Pandiyan, residing at Door
No.9/38, Velampatti Melatheru,
Mahadevi Post, Musiri Taluk, Trichy.

2. Ashok Kumar

S/o.Late Pandiyan, residing at Door
No.9/38, Velampatti Melatheru,
Mahadevi Post, Musiri Taluk, Trichy.

3. Anitha Subash

D/O.Late Pandiyan, Vadakkuveedhi,
Vadugapatti, Valaiyapatti, Namakkal.

Appellant(s)

Vs

Jeevanandham,

S/o.Late Karunanidhi, Door No.72,
Namakkal Town, Mettuthuru,
Namakkal Taluk, Namakkal.

Respondent(s)

For Appellant(s):

Mr.V.Dharanidharan,
for Mr. I Abrar Mohamed Abdullah

For Respondent(s):

Mr.Shabeer Ali
for M/s.Sarvabhauman Associates

**ORDER**

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This petition is filed to condone the delay of 33 days in filing the petition to restore the appeal which was automatically dismissed on default on 15.09.2025 in A.S.No.845 of 2025.

2. Heard Mr.V.Dharanidharan for Mr.I.Abrar Mohamed Abdullah, learned counsel for the appellants and Mr.Shabeer Ali for M/s.Sarvabhauman Associates, appearing for the respondent.

3. Suit for recovery of money was decreed and the appeal suit has been preferred challenging the judgment and decree. In the said suit, application was taken out for execution of the money decree. This Court by order dated 18.08.2025, granted stay on condition, that the appellants deposit 50% of the decree amount before the trial Court, within a period of four weeks. This Court further directed that, on failure to deposit the said amount within the stipulated time, the appeal itself was entitled to be dismissed, without any further reference to this Court.

4.The learned counsel for the petitioner states that admittedly, the conditional order was not complied with by the appellants. However, he seeks two weeks time to comply the order of deposit of 50% of the decree amount.



5. In the light of the above, I am inclined to condone the delay of 33 days and consequential application in CMP No.19779 of 2025, to restore the appeal order. **The petitioners/appellants shall deposit 50% of the decree amount within a period of two weeks from today**, failing which, the stay granted by this Court shall stand vacated without any further reference to this Court.

dsn

15-12-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



CMP No. 31401



To

Jeevanandham,
S/O.Late Karunanidhi, Door No.72,
Namakkal Town Mettuthuru, Namakkal
Taluk, Namakkal.



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P.B.BALAJI J.
dsn

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