



CMP(MD) NO. 1900 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26-03-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CMP(MD) NO. 1900 of 2025

IN

AS(MD) NO. 260 of 2024

Sankar @ Sankarasubbu

S/o.Velupillai, 6/7, Vadakku Ratha Veethi, Thenthirupperai Post,
Tiruchendur Taluk, Thoothukudi District.

Petitioner(s)

Vs

Krishnakumar

S/o.High Court Durai, No.5/10, Kilakku Theru, Mavadipannai,
Thenthirupppei Post, Tiruchendur Taluk, Thoothukudi District.

Respondent(s)

For Petitioner(s):

Mr.KA.Raamakrishnan

For Respondent(s):

Mr.N.Dilip Kumar

ORDER

This Civil Miscellaneous Petition has been filed to modify the condition imposed on the petitioner by this Court in its order, dated 17.10.2024, in C.M.P.(MD) No.13579 of 2024 in A.S.(MD)No.260 of 2024.

2. By an order, dated 17.10.2024, this Court granted a relief of interim stay to the

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petitioner on a condition that the petitioner shall deposit 50% of the decree amount with the proportionate accrued interest and cost to the credit of O.S.No.70 of 2018 on the file of the learned II Additional District Judge, Thoothukudi within a period of twelve weeks from the date of receipt of a copy of that order.

3. Heard the learned counsel appearing on either side, and I have perused the affidavit filed in support of this petition.

4. The learned counsel for the petitioner submitted that after passing of this order, the petitioner's son met with an accident on 23.12.2024 and he died on the same day. To substantiate the same, a copy of the First Information Report has also been produced before this Court.

5. The learned counsel for the respondent has raised only formal objection to this petition.

6. Further, the learned counsel for the petitioner submitted that the petitioner is currently not in a position to deposit 50% of the decree amount with the proportionate accrued interest and cost, but he is now ready to deposit 50% of the cheque amount i.e. a sum of Rs.5,00,000/- (Rupees Five Lakhs only).

7. Considering the above facts and circumstances of the case, this Court is inclined to modify the condition imposed against the petitioner by this Court in its order dated 17.10.2024.



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8. Accordingly, this Criminal Miscellaneous Petition is allowed, and the Paragraph No.2 of the order, dated 17.10.2024, is modified as follows :

“Interim stay is granted till the disposal of the Appeal Suit on a condition that the petitioner shall deposit 50% of the cheque amount (i.e.) a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of O.S.No.70 of 2018 on the file of the II Additional District Judge, Thoothukudi within a period of six weeks from the date of receipt of a copy of this order.”

sd/-

26/03/2025

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/04/2025

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN
TO
THE II ADDITIONAL DISTRICT JUDGE,
THOOTHUKUDI.

ORDER IN
CMP(MD) NO. 1900 of 2025
IN
AS(MD) NO. 260 of 2024
Date :26/03/2025

SA/GSV/SAR. /01.04.2025/3P/2C

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