

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. /2026
[SPECIAL LEAVE PETITION (CIVIL) NO.13242/2025]

S. DURAIMANICKAM

APPELLANT(S)

VERSUS

D. ILAVARASI & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard learned counsel for the parties.
3. This appeal arises from an order dated 28.03.2025 passed by the Madras High Court, whereby the interim order dated 30.09.2022 passed by the High Court in Appeal Suit (A.S.) No.433 of 2022, staying dispossession of the appellant pending consideration of his appeal, has been vacated.
4. The submission on behalf of the appellant is that first appeal is a valuable remedy where the court can deal with both questions of fact and law, therefore, if the interim protection granted is vacated, the purpose of the

appeal itself would stand frustrated.

5. On 13.05.2025 following order was passed:

“Issue notice, returnable within four weeks.

Subject to deposit of Rs.5,00,000/- by the petitioner in the Registry of this Court within four weeks from today, the effect and operation of the impugned order dated 28.3.2025 passed by the High Court shall remain stayed.”

6. The learned counsel for the appellant submits that in compliance of the order dated 13.05.2025, the appellant has already deposited Rupees Five Lakhs in the Registry of this Court.

7. Ordinarily where the order under appeal has serious consequences, a stay of the order pending consideration of appeal is appropriate, otherwise the remedy of appeal might be rendered nugatory¹. However, the appellate court can always impose conditions for the stay to protect the interest of non-appellant. As the appellant here has deposited rupees 5 lacs, we deem it appropriate to set aside the impugned order and dispose of this appeal by directing that the interim order of the High Court dated

1 1 Mool Chand Yadav & another v. Raza Buland Sugar Company Ltd., Rampur & others, (1982) 3 SCC 484.

30.09.2022 shall continue during pendency of appeal A.S. No.433 of 2022 before the High Court. The amount deposited by the appellant in the Registry of this Court along with interest, if any, shall be remitted to the High Court. The High Court shall invest the same in an interest-bearing deposit of a nationalized bank, which shall abide the decision of the appeal. We also request the High Court to ensure that the appeal is decided expeditiously preferably within a period of six months.

8. Appeal is disposed of in the above terms.

9. Pending application(s), if any, shall stand disposed of.

.....J
[MANOJ MISRA]

.....J
[MANMOHAN]

New Delhi
May 26, 2026

ITEM NO.40

COURT NO.14

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO. 13242/2025

[Arising out of impugned final judgment and order dated 28-03-2025 in CMP No. 160/2025 passed by the High Court of Judicature at Madras]

S. DURAIMANICKAM

Petitioner(s)

VERSUS

D. ILAVARASI & ORS.

Respondent(s)

IA No. 306268/2025 - EXEMPTION FROM FILING O.T.

IA No. 306267/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 26-05-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) : Mr. Nilesh Ukey, Adv.
Mr. S. Gowthaman, AOR
Mr. Abhisar Thakral, Adv.
Mr. Akash Verma, Adv.

For Respondent(s) : Mr. Vinay Navre, Sr. Adv.
Mr. Saakaar Sardena, Adv.
Mr. Gwen Karthika, Adv.
Ms. Surbhi Sardana, Adv.
Mr. Chander Shekhar Ashri, AOR

Mr. B. Karunakaran, AOR
Ms. Pooja Lakshmi, Adv.
Mrs. K Balambihai, Adv.

Mr. Gwen Karthika, Adv. (For Res.1 & 3)
Mr. Sardana, Adv.

Mr. Niranjan Rajagopalan, Adv.

UPON hearing the counsels, the Court made the following

O R D E R

- 1. Leave granted.**
- 2. The appeal is disposed of in terms of the signed order which is placed on the file.**
- 3. Pending application(s), if any, shall stand disposed of.**

**(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS**

**(SAPNA BANSAL)
COURT MASTER (NSH)**