

**A.Nos.3078 and 3079 of 2015
in
C.S.Nos.456 of 2010 and C.S.No.457 of 2010**

S.TAMILVANAN, J

Both the applications have been filed under Order XIV Rule 8 of Original Side Rules read with Section 151 of Code of Civil Procedure, seeking an order to clarify the common order of this Court made in A.No.4552 of 2014 in C.S.No.456 of 2010 and A.No.4551 of 2014 in C.S.No.457 of 2010 respectively, dated 13.08.2014, by nominating the Deponent, Mr.V.G.Harish Kumar herein as the beneficiary to receive the balance accrued interest.

2. As per the order, dated 13.08.2014, this Court, based on the consensus arrived at between the parties in A.Nos.4551 and 4552 of 2014 made in C.S.Nos.457 and 456 of 2010, held that if there is any balance amount available, the defendants, who had deposited the amount shall be entitled to receive the accrued interest thereon from the Bank.

3. Learned counsel appearing for the applicants / defendants 1 and 2 submits that the matter was settled before the Lok Adalat, whereby the entire amount due and payable to the State Bank of

Mysore was taken away by the said Bank and the balance amount is payable only to the defendants 1 and 2.

4. It is not in dispute that though the suit was filed, seeking specific performance of contract and other consequential relief, since loan was obtained from State Bank of Mysore, the third defendant, by creating mortgage on the property, in order to clear the dues, the matter was referred to Lok Adalat and settled. Hence, no amount is due and payable to the third defendant, State Bank of Mysore, as contended by the learned counsel appearing for the defendants 1 and 2 and there is no claim made by the plaintiffs against the order, dated 13.08.2014 and therefore, it is crystal clear that the defendants 1 and 2 are entitled to receive the accrued interest thereon.

5. Learned counsel appearing for the defendants 1 and 2 submits that the cheque be issued in favour of the V.G.Harish Kumar, who was second defendant in C.S.No.456 of 2010 and first defendant in C.S.No.457 of 2010.

6. On the aforesaid circumstances, the earlier order, dated 13.08.2014 is clarified to the effect that the Registry is directed to

issue cheque for the balance amount, if any, in favour of V.G.Harish Kumar, on the the production of supporting affidavit filed by Mr.V.R.Gopalakrishnan, first defendant in C.S.No.456 of 2010 and Mrs.G.Balamani, second defendant in C.S.No.457 of 2010, attested by any Notary Public.

7. With the above clarification, both these applications are closed.

28-04-2015

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