

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2015

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

O.S.A. No.254 of 2015

and

M.P.No.1 of 2015

P.Ranganatha Reddiar (Deceased)

1.R.Rukmani

2.L.Indirani

3.R.Parthasarathy

4.R.Dhanalakshmi

5.R.Venugopal

6.L.Usha Rani

7.R.Gunasekar alias Sekar

... Appellants/Defendants

2 to 8

-Vs-

1.T.Logeswaran

2.K.R.Krishnan

... Respondents/Plaintiff &

9th Defendant

Appeal filed under Order XXXVI Rule 11 of O.S.Rules read with Clause 15 of the Letters Patent, against the order dated 19.07.2007 passed in Appln.No.4695 of 2007 in C.S.No.1573 of 1994 on the file of original side of this Court.

For Appellant : Mr.Sreni K. S.Jain
for Mr.P.Subba Reddy

For Respondents : Not ready in notice

J U D G M E N T
(Judgment of the Court was delivered by The Hon'ble Chief
Justice)

The property is of the appellants. The respondents claim the right of specific performance of an agreement to sell. The grievance of the appellants is that it is after a period of 13 years that the respondents' request to deposit the alleged balance consideration has been allowed.

2.Learned counsel for the appellants states that the apprehension of the appellants is that such a deposit may be construed as the ability and willingness of the respondents to pay the amount.

3.We see no reason for such apprehension as it was a voluntary act of the respondents to deposit the balance sale consideration which has been agreed to. The fact that the amount being deposited after 13 years and all other defences are clearly open for the appellant at the time of trial of the suit and such deposit can hardly create any special equities in favour of the respondents. Thus, we see no reason for the apprehension of the appellants.

4.Original Side appeal, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2015 stands closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sra

To

The Sub Assistant Registrar
Original Side, Madras High Court,
Chennai.

VS (CO)
CA(22/12/2015)

O.S.A.No.254 of 2015