

CMP No.12118 of 2016
in A.S.No.161 of 2013

R.SUBRAMANIAN, J.

The appeal is directed against the decree and Judgment dated 30.06.2011 made in O.S.No.24 of 2009 on the file of the learned Principal District Judge, Dharmapuri, whereby, the trial Court awarded the compensation of Rs.2,50,000/- with interest at the rate of 9% p.a. from the date of suit till the date of decree and 7% p.a. from the date of decree till the date of realization, payable by the second defendant in the suit, in respect of death of one Karthick, son of the plaintiffs, by drowning in the swimming pool belonging to the defendants.

2. While granting stay of the execution of the decree, this Court, by an order dated 25.04.2013, directed the appellants/respondents herein to deposit 50% of the decree amount to the credit of E.P.No.33 of 2012 in O.S.No.24 of 2009 on the file of the Principal District Court, Dharmapuri. It is stated at the bar that the amount has been deposited as per the directions of this Court.

3. Now, the respondents in the appeal, namely, the father and mother of the deceased Karthick, have come forward with this petition seeking permission to withdraw the amount deposited to the credit of E.P.No.33 of 2012 in O.S.No.24 of 2009 on the file of the Principal District Court, Dharmapuri.

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4. Today, when the matter is taken up for hearing, the learned counsel for the appellants reports that the conditional order of this Court has been complied with.

5. Heard and perused the affidavit.

6. In the light of the circumstances and the averments made in the affidavit, this Court deems it fit to grant the prayer and accordingly, the petitioners herein, namely, the respondents in A.S.No.161 of 2013/plaintiffs in O.S.No.24 of 2009 are permitted to withdraw the entire amount deposited to the credit of E.P.No.33 of 2012 in O.S.No.24 of 2009 on the file of the Principal District Court, Dharmapuri.

17.10.2016

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