

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.4129 of 2015 &

M.P.Nos.1 & 2 of 2015

1.K.Jayanthi Kuamr
2.K.Subha

... Petitioners

v.

1.Ganapathi Raj
2.S.Suthanthira Devi

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 08.09.2015 passed in E.A.No.1919 of 2015 in E.P.No.777 of 2009 in O.S.No.3829 of 2006 on the file of the IXth Assistant City Civil Court, Chennai.

For Petitioners : Mr.B.Harikrishnan

For Respondents : Mr.T.Nirmaleswar – for R1

O R D E R

When the matter is taken up for hearing, learned counsel appearing for the petitioners submitted that the petitioners had deposited a sum of Rs.10,51,129.50 on 19.3.2015 to the credit of E.P.No.777 of 2009 in O.S.No.3829 of 2006 on the file of the IXth Assistant City Civil Court, Chennai, paid a sum of Rs.2,00,000/- directly to the 1st respondent-decree holder on 6.1.2016 and further deposited a sum of Rs.6,02,671/- to the credit of the Execution Petition on 22.3.2016.

2. The learned counsel appearing for the 1st respondent-decree holder submitted that the 1st respondent may be permitted to withdraw the amount of Rs.16,53,800.50 deposited by the revision petitioners to the credit of Execution Petition on behalf of the judgment debtor.

3. Since the petitioners had deposited the amounts as stated above, it is open to the 1st respondent-decree holder to file appropriate application seeking for permission to withdraw the amount before the Execution Court. After withdrawing the amounts deposited by the petitioners to the credit of Execution Petition, the 1st respondent-decree holder is directed to handover the original documents to the judgment debtor, viz., S.Suthanthira Devi, forthwith. It is needless to say that after withdrawing the amount deposited by the petitioners, the 1st

respondent-decree holder shall not press the Execution Petition and the order of attachment granted by the Trial Court shall stand raised.

4. In these circumstances, nothing survives for adjudication in the present Civil Revision Petition. Hence, the Civil Revision Petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

03.06.2016

Index : Yes/No

Rj

To

The IXth Judge,
Assistant City Civil Court
Chennai.

M. DURAISWAMY,J.,

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