

A.Nos.3711/2013 and 1311/2014
in CS No.577 of 2012

N.Sathish Kumar, J.,

Application in A.No.3711/2013 is filed by the applicant / plaintiff for deposit of the balance sale consideration of a sum of Rs.32 lakhs to the credit of the suit in C.S.No.577 of 2012.

2. The contention of the respondent is that this application is an after-thought and it is not maintainable. Similar application has also been filed by the 1st defendant in A.No.1311 of 2014 to deposit the advance amount received by him at the time of the agreement of sale entered into between the parties.

3. Since the application is pertaining to deposit the balance sale consideration and the 1st defendant is also ready to deposit the the advance payment received by him and having regard to the allegations and counter allegations of both sides, this Court is of the view that both parties can be permitted to deposit the amount to the credit of the suit in C.S.No.577 of 2012, without prejudice to their rights to establish their respective case in the trial. Therefore, without prejudice to the rights of

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both parties, this Court is inclined to allow these applications and the applicants in both the parties shall deposit the amount within one month from the date of this order. Accordingly, these applications are disposed of.

16.12.2016

pvs

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