

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 7TH DAY OF JULY 2017

THE HON'BLE MRS. JUSTICE C.V.KARTHIKEYAN

A.No.2940 of 2017

IN

C.S.NO.184 of 2004

Mrs.Prema
residing at Flat No.1-B,
Tenerife Terraces,
173 (New No.245),
Poonamallee High Road,
Kilpauk,
Chennai-600 010.

..Plaintiff

VS

1.M/s.Indian Oil Corporation Limited
rep by its Chief Divisional Manager
Office at No.500,
Anna Salai, Teynampet,
Chennai-600 018.

2. Alfa Gasoline
Business at 174,
Poonamallee High Road,
Kilpauk, Chennai-600 010.

..Defendants

A.No.2940 of 2017:-

Mrs.Prema
Flat No.1-B, Tenerife Terraces,
173, New No.245
Poonamallee High Road,
Kilpauk,
Chennai 600 010.

..Applicant/Plaintiff

VS

M/s.Indian Oil Corporation Limited
Represented by its Chief Divisional Manager
Chennai Divisional Office
500,Anna Salai, Teynampet,
Chennai-600 018.

2. Alfa Gasoline
 Business at 174, New No.247,
 Poonamallee High Road,
 Kilpauk, Chennai-600 010.

..Respondent/ Defendant

Application praying that this this Hon'ble Court be pleased to issue appropriate directions to the 1st Respondent herein to pay the sum of Rs.1,20,870/- to the Applicant immediately.

This application coming on this day before this court for hearing the court made the following order:

The application has been filed seeking a direction against the 1st respondent to comply with the order of this Court.

2. In the order dated 09.12.2009, it was stated that the 1st defendant should pay a sum of Rs.1,20,870/- every month. It is represented by the learned counsel for the applicant that in February 2014, this amount was not paid. Consequently, the present application has been filed for direction against the 1st defendant to pay the said amount of Rs.1,20,870/-.

3. Since the suit is in the part heard stage and D.W.1 is in the witness box, I hold that the learned counsel for the applicant can put questions to D.W.1 and elicit answer as to whether as a fact she did or did not pay the said sum of Rs.1,20,870/- in February 2014 as directed by this Court. That would be the best evidence to enable this Court decide about compliance of the order dated 09.12.2009.

3. D.W.1 has to appear before the learned Additional Master No.II for continuation of cross-examination on 18.07.2017. The Plaintiff has to complete the cross-examination on or before 25.07.2017. Post the matter for

arguments before this Court on 01.08.2017. This application is closed with the above observations.

Sd/-A.S.M.J

07.07.2017

//Certified to be a true copy//
Dated this the day of 2017.

EM/14.07.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.