

CMP.No.19853 of 2016 in
O.S.A.No.168 of 2011

K.K.SASIDHARAN,J.
and
V.PARTHIBAN,J.

[Order of the Court was made by K.K.SASIDHARAN,J.]

This petition is filed to modify the order dated 13 April 2016 made in M.P.No.1 of 2015 in OSA.No.168 of 2011, whereby and where under, this Court directed the Registry to transfer the funds to the account of the petitioner at Singapore with accrued interest.

2. The petitioner in the affidavit filed in support of the interlocutory application submitted that being a foreign company, transfer of amount was not materialised on account of the regulations of Reserve Bank of India.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. This Court passed an order on 11.09.2014 in M.P.No.1 of 2013 in OSA.No.168 of 2011 permitting the petitioner to withdraw a sum of Rs.1,00,00,000/- along with accrued interest. The said order has become final.

5. Subsequently, at the instance of the petitioner, another order was passed by this Court, to direct the registry to transfer the funds to the account of the petitioner at Singapore. However, it was also not materialised. The petitioner has therefore come up with this petition.

6. Since this Court has already passed an order permitting the petitioner to withdraw the amount lying in Court deposit, there is no legal hurdle in allowing this petition, so as to enable the learned counsel for the petitioner to accept the cheque on behalf of the party and to pay the same on acknowledgement.

7. There shall be a direction to the Registry to issue a cheque for a sum of Rs.1,21,38,387/- in the name of M/s.Fox Mandal and Associates, subject to the condition that the legal firm shall issue necessary receipt to the Registry and give an undertaking that the money would be transmitted to the petitioner forthwith. The law firm is directed to produce the receipt in token of payment within one month from the date of issuance of cheque.

8. The miscellaneous petition is allowed as indicated above.

(K.K.S.,J.) (V.P.N.,J.)
06.01.2017

Note : i) Issue the copy of the order by 11.01.2017

svki ii) Post the main appeal on 06.03.2017

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V.PARTHIBAN,J.

(svki)

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