

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice N.ANAND VENKATESH

O.S.A.No.89 of 2017

C.Azeena @ Hasina ... Appellant

Vs

1.Mohammed Rafi
2.Habeeba ... Respondents

Appeal preferred under Order XXXVI Rule 9 of O.S. Rules r/w
Clause 15 of Letters Patent against the order and decretal order
passed in A.No.3207 of 2015 in C.S.No.375 of 2015 dated
20.03.2017.

For Appellant ... Mr.V.Lakshminarayanan
for M/s.P.Vasanth

For Respondents.. Mr.R.Sunil Kumar

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This appeal has been preferred by the appellant, who is the
defendant in the suit, which is filed for recovery of advance
amount on an agreement for sale.

2.When the matter is taken up for hearing, learned counsel
appearing for the appellant, based upon the affidavit filed
today, would submit that the appellant will not alienate the
property, which is the subject matter of the application. In the
event of such alienation, a sum of Rs.26 lakhs, which is the
suit claim, will be deposited to the credit of C.S.No.375 of
2015. The said statement made in paragraph 6 of the affidavit
stands recorded.

3.Though paragraph 6 of the affidavit makes a mention about
Rs.20 lakhs, learned counsel appearing for the appellant would
submit that the amount mentioned in paragraphs 5 and 6 will have
to be read as Rs.26 lakhs, which is the suit claim other than

the amount said to have been paid to the respondents. Accordingly, we make it clear that the amount mentioned in paragraphs 5 and 6 of the affidavit will have to be taken as Rs.26 lakhs, which amount shall be deposited to the credit of C.S.No.375 of 2015, in case of any alienation.

4.With the above observation, the Original Side Appeal stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mmi

To

The Sub Assistant Registrar,
Original Side, High Court, Madras.

+1cc to Mr.P.Vasanth, Advocate Sr.42607

+1cc to Mr.Sundar Narayan, Advocate Sr.42518

O.S.A.No.89 of 2017

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