

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 20th DAY OF JULY 2018

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.4283 of 2018
in
A. No.1168 of 2012
in
C.S. No.422 of 2001

1. Mrs.Chandra Sundararaj (died),
 2. Mrs.Annapoorna(*)
residing at 136/3, Ajantha Flats,
Anna Nagar West, Chennai-40. Plaintiffs
- (*) Amended as per order in A. No.775 of 2005
dated 21.03.2006.

-Versus-

1. C.M.Dhinakaran alias Suresh,
residing at No.1136,
Anna Nagar West End Colony,
Mugappair, Chennai-600 050.
 2. Mrs.S.Annapoorna(**)
 3. M/s.Hitech Spun Vessels, (#)
rep. by its Proprietrix, Mrs.Arani,
W-163, Flat No.4, Eden Park Apartments,
Park Road, Anna Nagar Western Extension,
Chennai-600 101.
 4. N.N.Balasubramanian, (#)
residing at No.38F,
Thiruvallur Street,
Venkatram Nagar, Korattur,
Chennai-600 080. Defendants
- (**) Amended as per order in A. No.775 of 2005
dated 21.03.2006.
- (#) Amended as per order in A. No.5561 of 2003
dated 17.09.2009.

A. No.1168 of 2012:-

Mrs.S.Annapoorna,
W/o.S.Sadasivan,

No.136/3, Ajantha Flats,
Anna Nagar West,
Chennai-600 040.

... Applicant/2nd plaintiff

-Versus-

1. C.M.Dhinakaran alias Suresh,
S/o.Late C.M.Sundararaj,
No.421, Panneer Nagar, Mugappair,
Chennai-600 037. ... 1st Respondent/1st Defendant
 2. Chennai Metro Rail Ltd.,
Harini Towers, No.7,
Conransmith Road, Gopalapuram,
Chennai-600 086. ... Third Party/2nd Respondent
 3. The Special Thasildar, (\$)
Land Acquisition Chennai,
Unit-2, Chennai Metro Rail Limited,
Harini Towers, No.7,
Conron Smith Road,
Gopalapuram, Chennai-600 086. ... 3rd Respondent
- (\$)The 3rd respondent impleaded as
per order dated 11.04.2012 in
A. No.1820 of 2012

A. No.4283 of 2018:-

Mrs.S.Annapoorna,
W/o.S.Sadasivan,
No.136/3, Ajantha Flats,
Anna Nagar West,
Chennai-600 040.

...Applicant/Applicant/2nd plaintiff

-Versus-

1. C.M.Dhinakaran,
S/o.Late C.M.Sundararaj,
No.421, Panneer Nagar, Mugappair,
Chennai-600 037. ... 1st Respondent/1st Respondent/
1st Defendant

2. Chennai Metro Rail Ltd.,
Admin Building, CMRL Depot,
Poonamallee High Road,
Koyambedu,
Chennai-600 107... Third Party/2nd Respondent
/2nd Respondent
3. The Special Thasildar,
Land Acquisition Chennai,
Unit-2, Chennai Metro Rail Limited,
Koyambedu,
Chennai-600 107... Third Party/3rd Respondent
/3rd Respondent

Application praying that this Hon'ble Court be pleased to direct the respondents to deposit the enhanced award amount in respect of Flat No.327/5, Poonga Apartments, 2nd Avenue, Anna Nagar West, Chennai-600 040, in Survey No.216 part 223, part New No.37/2 (shown as Item "A" in the schedule to the plaint in C.S. No.422 of 2001) standing in the name of C.M.Dhinakaran to the credit of the above suit.

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

This application has been filed to direct the respondents to deposit the enhanced award amount in respect of Flat No.327/5, Poonga Apartments, 2nd avenue, Anna Nagar West, Chennai -600 040 standing in the name of C.M. Dhinakaran to the credit of the above suit.

2.In spite of the order of this Court to deposit the amount of enhanced compensation received by the Respondent in the credit of the suit, the respondent has not deposited the same. However, the contention of the

respondent is that the amount of Rs.15,00,000/- has already been deposited in the Capital Gain for Tax Exemption.

3. In the pursuant of the order dated 18.07.2018 passed by this Court, the respondent has produced two bond Certificates in Sl.No.285139 for Rs.4,00,000/- dated 28.02.2018 and in Sl. No.285144 for Rs.11,00,000/- dated 28.02.2018 deposited in the Rural Electrification Corporation Ltd. and the same will be matured on 28.02.2021. The enhanced compensation with regard to the property is subject matter of the suit.

4. This Registry is directed to keep the bonds into safe custody till the disposal of the suit and the Rural Electrification Corporation Limited hereby is directed that the deposited amount shall not be disposed to the respondent on its maturity and also prior to the maturity dated 28.02.2021. The amount shall be deposited before this Court to the credit of the suit. In the event of disposal of the suit, prior to maturity date, the above amount shall be disbursed subject to the result of decree and Judgment.

5. With regard to the remaining amount Rs.15 Lakhs, the respondent would state that he has spent that amount towards medical expenses and other things. According to him, the respondent has no money at present.

6. Having regard to the fact, this Court of the view is that the remaining amount of Rs.15 Lakhs shall be adjusted towards shares allotted to the parties. The

amount of Rs.15 Lakhs deposited in the Capital Gain shall be taken into consideration while disposing of the suit.

7. In view the above, this application is closed.

8. Post the Suit and T.O.S. before the Master on 14.08.2018 for further proceedings.

Sd./-N.S.K.J

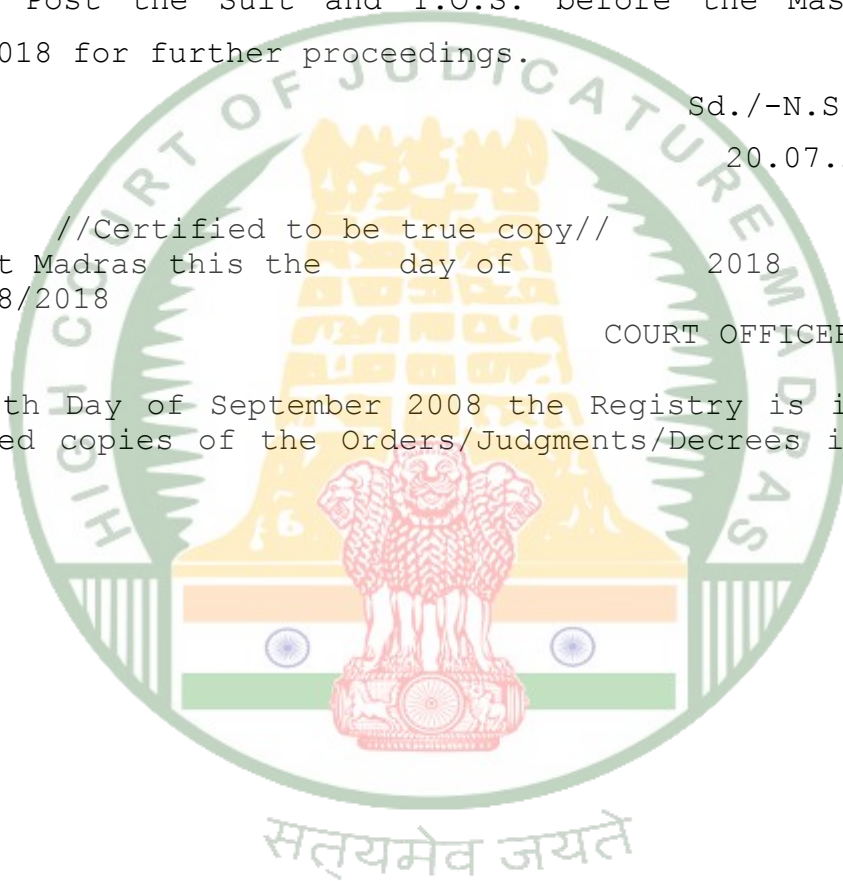
20.07.2018

//Certified to be true copy//

Dated at Madras this the day of 2018
JJ 27/08/2018

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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