



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Twenty Sixth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP(MD) No.2868 of 2018

IN

SA(MD) No.585 of 2015

1 UMAL ASANATH
2 MOHAMED KASIM

... PETITIONERS/RESPONDENTS

Vs

THE SPECIAL TAHSILDAR
LAND ACQUISITION,
ADI DRAVIDAR WELFARE, UNIT -II,
PALANI.

... RESPONDENT/APELLANT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit me to withdraw the deposited award amount with proportionate interest and cost lying in the credit of CMA No.16 of 1998 on the file of the Sub Court Palani pending disposal of the Second Appeal and thus render justice.

Prayer in SA(MD).585/2015 :

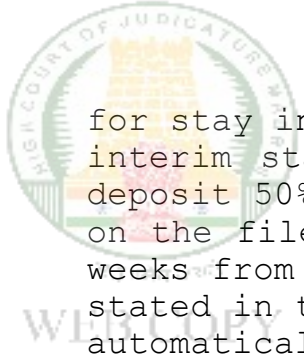
To allow the Second Appeal and set aside the fair and decreetal order passed in LA.CMA NO.16 of 1998 dated 26/08/2014 on the file of the Sub Court, Palani reversing the award NO.12 of 1995 -96 on the file of the Special Tahsildar, ADW, Palani and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.KARTHIK, Advocate for the petitioners and of M/S.A.THIYAGARAJAN, Government Advocate on behalf of the Respondent, the court made the following order:-

This petition has been filed to permit the petitioner to withdraw the deposited award amount with proportionate interest and cost lying to the credit of CMA No.16 of 1998 on the file of the Sub Court, Palani.

<https://hcservices.ecourts.gov.in/hcservices/>

2.This Court has earlier passed an order in the petition



for stay in M.P.(MD)No.3 of 2015 in S.A.(MD)No.585 of 2015, granting interim stay, on condition that the petitioner / appellant should deposit 50% of the award amount to the credit of Award No.12 of 1995 on the file of the Tahsildar, ADW, Palani, within a period of eight weeks from the date of receipt of a copy of the order. It is further stated in the order that on failure, interim stay granted will stand automatically vacated without further reference to Court.

3.It appears that the respondents in this appeal have not deposited the amount of 50% within time, hence the interim stay stands vacated, as per the earlier order of this Court. However, the amount has been deposited now (50% of award amount). As a consequence, the petitioner is entitled to proceed with the Execution Petition and entitled to seek withdrawal of the whole amount along with interest and other statutory benefits. This present petition is filed to withdraw 50% of the award amount, that is now deposited belatedly by the respondents. Hence, this petition is allowed and the petitioner is permitted to withdraw the deposited award amount with proportionate interest and cost lying to the credit of CMA.No.16 of 1998 on the file of the Sub Court, Palani.

sd/-
26/03/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE SUBORDINATE JUDGE, PALANI

+1. C.C. to M/S.S.KARTHIK Advocate SR.No.4778

ORDER
IN
CMP(MD) No.2868 of 2018
IN
SA(MD) No.585 of 2015
Date :26/03/2018

PK/RR-CSL/SAR-1/28.03.2018 : 2P/3C