



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2018

CORAM :

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CRP (MD) No. 488 of 2017 (NPD)

Nachammal

...Petitioner

Vs.

1. Dhandapani @ Palanisamy (died)

2. The Sub Judge,
Dindigul Sub Court,
Dindigul.

3. D. Kuppasamy

... Respondents

(Sole petitioner is recorded as LRs of the deceased first respondent and third respondent is brought on record as Lrs of the deceased first respondent vide Court order dated 22.09.16 made in CMP(MD).3304 of 2016 in CRP Sr.15648 of 2003)

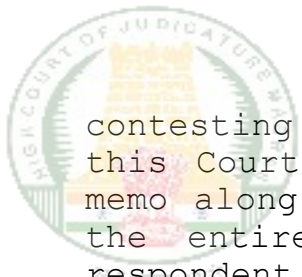
Prayer : This Civil Revision Petition is filed under Section 115 of the Civil Procedure Code against the order and decretal order in E.P.No.82 of 2000 in O.S.No.86 of 1978 on the file of the District Munsif and Judicial Magistrate, Vedasandur dated 24.04.2002.

For Petitioner : Mr.V.Raghavachari
For Respondent No.3 : Mr.H.Lakshmi Shankar

ORDER

The decree holder is the revision petitioner. It was a suit for partition claiming 1/8th share in the suit property. The suit was decreed on 3rd September, 1979. The charge was created over the share of the husband in respect of the maintenance rights of the petitioner herein. The husband had deposited the maintenance amount to the tune of Rs.25,813.20. To withdraw the same, the revision petitioner took out a petition. The same was dismissed by the court below on the ground of limitation.

2. This Court is unable to appreciate the stand taken by the court below. Be that as it may, the husband of the revision petitioner passed away and the petitioner's son is now the



contesting respondent. The mother and her son are present before this Court. The revision petitioner's son has filed a compromise memo along with her. He has no objection for his mother to take the entire maintenance amount deposited by the original first respondent.

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3. This Court is of the view that the said amount deposited by the first respondent ought to have been remitted in an interest bearing account. The revision petitioner is permitted to withdraw the amount with whatever interest that got accrued to the said deposit. The petitioner is entitled to take the same with accrued interest. This compromise memo shall form the part of this order. Accordingly, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-I)

Encl:- Xerox Copy of Compromise Memo.

To

1. The District Munsif and Judicial Magistrate,
Vedasandur.

2. The Sub Judge,
Dinidugal Sub Court,
Dinidugal.

+1CC to Mr.V.Raghavachari Advocate in SR.No.77584.

SKM

DS/SKN-RSK/SAR-1 :09.08.2018: 2P/4C

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