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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.2241 of 2016

and

C.M.P. (MD) .Nos.10768 and 10368 of 2016

R.Vinoth Kumar

.. Petitioner/Respondent/Plaintiff

vs.

1.V.Saraswathi

2.V.Raja

3.V.Sivaganesh

.. Respondents/Petitioners/

Defendants 1 to 3

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 01.02.2016 passed in I.A.No.85 of 2015 in O.S.No.11 of 2014 on the file of the III-Additional District Judge, Thiruchirappalli.

For Petitioners : M/s.J.Anandhavalli

For Respondents : No appearance

ORDER

The plaintiff in O.S.No.11 of 2014 on the file of the learned III-Additional District Judge, Trichy is the revision petitioner herein. It is a suit for specific Performance. In the said suit the respondents herein filed I.A.No.85 of 2015 for permitting them to deposit a sum of Rs.71,000/- into the Court to the credit of the suit. The same was allowed on 01.02.2016. The correctness of the said order is questioned in this Civil Revision Petition.

2. The learned counsel for the revision petitioner submitted that by coming forward to deposit the amount in question, the respondents have tried to project themselves as if they are bonafide in their conduct. The learned counsel also pointed out that the Court below has allowed the application, merely on the ground that no prejudice would cause to the petitioner herein. She would point out that it is not a question of prejudice but the entitlement of the parties herein.

3. I am in agreement with the aforesaid submissions. The revision petitioner is the plaintiff and it is for him to establish his case. There is no need whatsoever for the respondents herein to come forward to deposit the amount in question.



4. In this view of the matter, the order impugned in this Civil Revision Petition is set aside. This Civil Revision Petition stands allowed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

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/True Copy/

Sub Assistant Registrar(CS-III)

To
The III-Additional District Judge,
Thiruchirappalli.

• 1 CC TO M/s.J.Anandhavalli, ADVOCATE IN SR No. 82779.

PJL

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