



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (PD) (MD) No. 1961 of 2018

and

C.M.P. (MD) No. 8652 of 2018

1. R. Hariharan

2. H. Jeyasri

... Petitioners

-Vs-

R. Sivasubramani

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to call for the records relating to the returned order dated 31.08.2018 made in unnumbered I.A.No. Of 2018 in O.S.No.76 of 2017 on the file of the Principal District and Sessions Court, Dindigul and set aside the same.

For Petitioner : Mr. N. Mohan

ORDER

The petitioners herein earlier moved this Court by filing C.M.A. (MD) No. 368 of 2018. This Court, by order dated 20.08.2018 in C.M.P. (MD) No. 6975 of 2018 in C.M.A (MD) No. 368 of 2018, directed the petitioners to furnish security by depositing the entire suit claim amount to the credit of the suit in O.S.No.76 of 2017. They had to do it on or before 31.08.2018.

2. It is now submitted that the petitioners could not mobilize the amount before the said date. Therefore, they had deposited the entire money in IDBI Bank, Palani Branch as fixed deposit in their names and the receipts were handed over to the Court below. Since the act of the petitioners is not in consonance with the order passed by this Court, the Court below declined to accept the same. Therefore, the petition filed by the petitioners was returned.

3. The order passed by the Court below, returning the application of the petitioners cannot be faulted. At the same time, taking note of the special circumstances obtaining in this case, the petitioners are given further time upto 20.09.2018.

4. The learned counsel appearing for the petitioners submits that the fixed deposit receipts are only with them. He can encash the fixed deposit receipts and raise the requisite funds and thereafter, deposit the same before the Court below to the credit of the suit.



5. Granting such extension of time, this Civil Revision Petition is disposed of. Once the petitioners herein deposit the amount in question to the credit of the suit, attachment shall be raised forthwith. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Principal District and Sessions Judge,
Dindigul.

2. The Record Keeper,
VR. Section
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1CC TO MR.N.MOHAN, ADVOCATE IN SR.No.82565.

MYR

DS RP SAR-2;07.09.2018; 2P/5C

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