

S.A.No.1438 of 1999**P.RAJAMANICKAM.J.,**

This second appeal has been posted on 01.04.2019 under the caption, "for being mentioned". On that date, eventhough the matter has been passed over till 01.15 p.m, no representation for the appellants. Hence, the matter was adjourned to 02.04.2019. On 02.04.2019 also, the matter has been passed over till 3.00 p.m, but, there was no representation for the appellants. Hence, the matter has been posted today (09.04.2019). Today also, no representation for the appellants.

2. The learned counsel for the respondent/plaintiff has submitted that as per the order passed by this Court dated 24.07.2001 in C.M.P.No.2880 of 2001 in S.A.No.1438 of 1999, the respondent/plaintiff has withdrawn the balance sale consideration of Rs.90,000/- from the Court which was deposited by him on 15.11.1996 as per the decree passed by the Trial Court. He further submitted that in C.M.P.No.2880 of 2001, the respondent gave an undertaking that he will re-deposit the amount as and when directed by the Court. He further submitted that ultimately on 07.01.2019, this Court has dismissed the second appeal confirming the judgments and decrees passed by the Courts below, but no direction has been issued for re-depositing the balance sale consideration and therefore, he requests to permit the respondent/plaintiff to re-deposit the balance sale consideration of Rs.90,000/- before the Trial Court.

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3.It is seen from the records that this Court by the Order passed in C.M.P.No.2880 of 2001 in S.A.No.1438 of 1999 dated 24.07.2001 has permitted the respondent/plaintiff to withdraw the balance sale consideration of Rs.90,000/- from the Trial court. Considering the undertaking given by the respondent to re-deposit the amount whenever called upon to do so by this Court, this court has finally dismissed the second appeal on 07.01.2019. Hence, it has become necessary to give a direction to the respondent/plaintiff for re-depositing the balance sale consideration of Rs.90,000/- before the Trial Court. Accordingly, the respondent/plaintiff is directed to re-deposit the balance sale consideration of Rs.90,000/- before the Trial Court within two weeks from the date of receipt of a copy of this Order.

4. The Registry is directed to carry out the aforesaid corrections in the judgment and decree and issue the amended order copy of the same.

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