

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2019

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISHKUMAR

C.R.P.No.786 of 2009

and

M.P.No.1 of 2009

Sri La Sri Sivaprakasa

.... Petitioner/Plaintiff

Vs

V.Subramaniyan (Died)

1.Rajamani ammal

2.N.Premavathi

3.Vaithilingam

4.Jothi

5.Ramesh

6.Rani

.... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to allow the CRP by setting aside the order in I.A.No.59 of 2007 in O.S.No.112 of 1977 dated 31.03.2008 on the file of the Sub Court, Nagapattinam.

For Petitioner : Mr.K.Chandrasekaran

For Respondents : No appearance

O R D E R

This revision petition has been filed against the order of the trial Court in dismissing the application filed by the petitioner for return of the amount which has been deposited in the credit of the suit as per the direction of this Court.

2.The learned Counsel for the revision petitioner submitted that one of the respondents who is the legal heir of the 1st respondent, who has deposited the amount, refused to receive the notice. The other respondents have also not come before the Court. Admittedly, it is seen from records that a sum of Rs.5,400/- was ordered to be deposited by the respondents vide order dated 02.01.1981. The above amount has been deposited towards the damages for use and occupation in the suit property.

3.Further, it is seen that the second appeal filed by the 1st respondent has also been dismissed by this Court on 26.06.1986. Now the amount is lying in the credit of the above

suit before the trial Court. As the amount itself has been ordered to be deposited towards the damages for use and occupation to the credit of the suit by this Court and as the second appeal filed by the 1st respondent has already been dismissed, the trial Court is directed to issue a cheque in favour of the revision petitioner in respect of the amount lying in the credit of the suit before the trial Court with subsequent interest if any.

4.In the above terms, this Civil Revision petition is allowed. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

The Subordinate Court,
Nagapattinam.

+1 CC to Mr.K.Chandrasekaran, Advocate sr 24409.

C.R.P.No.786 of 2009
and
M.P.No.1 of 2009

SJ(CO)
SP(25/04/2019)

सत्यमेव जयते

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