

CMP No.9938 of 2019
and
AS Nos.589 of 1994

V.BHAVANI SUBBAROYAN., J.

This Civil Miscellaneous petition has been filed seeking for a prayer to direct payment of RS.14,15,255/- with further interest as accrued in Account No.10610832034 of State Bank of India, Saidapet Branch to and in favour of respondents for full and final satisfaction of the decree of mesne profit in E.P.No.97 of 2000, pending on the file of II Additional Sub Court, Coimbatore.

2. The case of the petitioners is that as against the Decree passed in O.S.No.110 of 1991, the petitioners herein have preferred an Appeal in A.S.No.589 of 1994. In the said Appeal, the petitioners herein filed CMP No.9874 of 1994 seeking for stay of the Decree. This Hon'ble Court vide order dated 26.10.1994 had directed the petitioners to deposit a sum of Rs.2,00,000/- as precondition for interim stay. The respondent herein filed CMP No.17524 of 1994 to modify the said order and the said CMP was dismissed and directed the petitioner to deposit Rs.2,00,000/- and thereafter, the petitioner deposited Rs.2,00,000/- with the State Bank of India, Saidapet Branch favouring Registrar General, High Court in Deposit Receipt No.710280.

3. Thereafter, the respondent filed CMP No.10903 and 10904 of

1996 for appointment of Advocate Receiver to take possession of the property and to direct the petitioners herein to deposit further sum of Rs.10,77,772/-. This Court by an order dated 10.01.1997, after recording the deposit of Rs.2,00,000/-, directed the petitioners to pay Rs.8,77,772/- on or before 31.01.1997. Since the petitioners herein not able to pay the said amount, Advocate Receiver was appointed by an order dated 17.02.1997 and took possession of the property, which is the subject matter of the suit.

4. Subsequently, the Appeal in A.S.No.589 of 1994 was dismissed by an order dated 17.08.2012. As against the same, the petitioners herein filed S.L.P.No.16092 of 2013 and the same was also dismissed on 14.07.2017. Thereafter, the respondent obtained an attachment of petitioners property to satisfy the decree of mesne profit in E.P.No.97 of 2000. The total amount as sought for by the respondent is Rs.25,32, 764/- and the petitioner herein paid a sum of Rs.12,35,000/- by way of Demand Draft No.980754 dated 25.01.2019 drawn on Syndicate Bank, Mylapore Branch in favour of N.Sengammal, the 1st respondent herein and reported the same before the Executing Court.

5. The learned counsel for the petitioner submitted that the petitioners deposited Rs.2,00,000/- with the State Bank of India, Saidapet Branch favouring Registrat General, High Court in Deposit receipt No.710280 ad the balance sum of Rs.14,15,255/- with accumulated interest till date is lying in Account No.10610832034 of State Bank of India, Saidapet Branch in compliance to the conditional

order in CMP No.9874 of 1994 in the Appeal. The learned counsel further submitted that the said amount has to be adjusted towards the balance decree amount as sought for in the E.P and hence, filed this petition seeking return of money, in the deposit to be returned in favour of the respondents so as to satisfy the decree and give quietus to the proceedings.

6. The learned counsel appearing for the respondent has no objection for the same.

7. In view of the above stated facts and circumstances, this Court is inclined to allow the C.M.P.No.9938 of 2019 and direct the Registrar General to pass an appropriate orders to issue cheques in favour of the respondents herein, which is lying in the Account No.10610832034 of State Bank of India, Saidapet Branch for Rs.14,15,255/- with further interest, as full and final satisfaction of the decree of mense profit in E.P.No.97 of 2000, pending on the file of II Additional Sub Court, Coimbatore, within a period of four weeks from the date of receipt of copy of this order.

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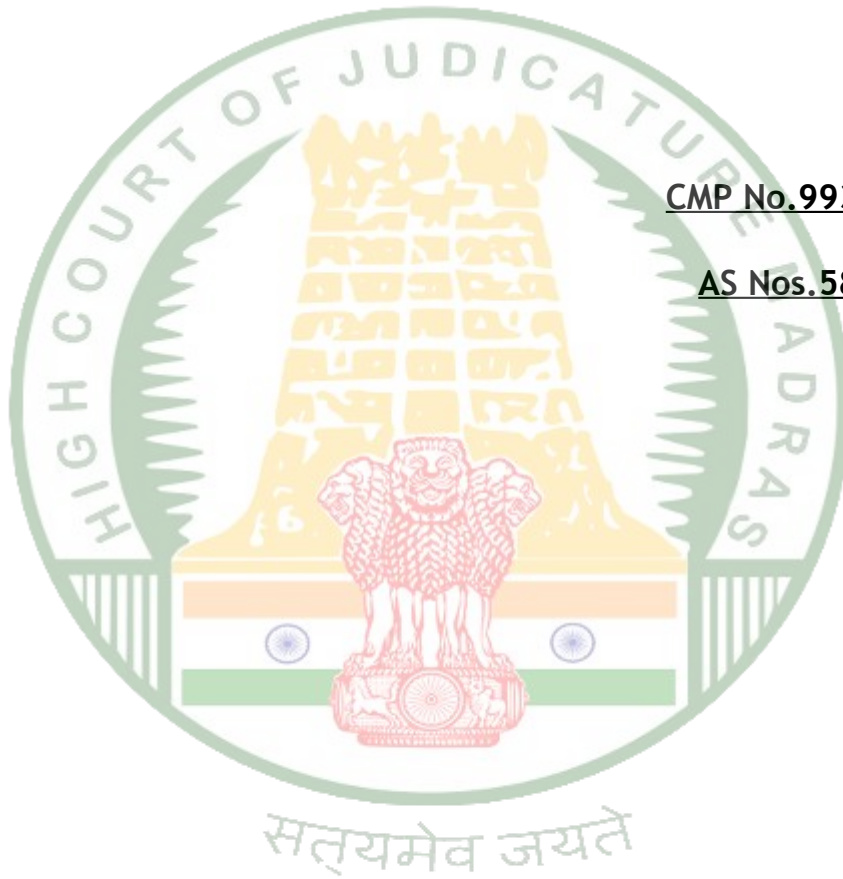
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