

A.Nos.6786 to 6795 of 2019
in C.S.No.418 of 2007

PUSHPA SATHYANARAYANA, J.

A.Nos.6786 to 6790 of 2019 are filed by the defendants 3 to 7 seeking for permission to withdraw the amount of Rs.28,59,518/- each lying to the credit of the above suit in C.S.No.418 of 2007, being their respective shares in respect of sale price of Rs.6,00,00,000/- (Rupees six crores only) and a sum of Rs.49,876/-, being the amount collected as rent from the tenants in the suit property.

2. Similarly, defendants 11 to 15 filed A.Nos.6791 to 6795 of 2019 seeking for permission of this Court to withdraw the amount of Rs.40,03,325/- each lying to the credit of the above suit in C.S.No.418 of 2007, being their respective shares from the sale proceeds mentioned above and also the amount collected as rent from the tenants in the suit property.

3. A preliminary decree was passed for partition and separate possession of the shares of the plaintiffs and a final decree application was also taken out, wherein, a memo of compromise was entered into between the parties, as per which, the defendants 1, 3 to 7 and 11 to

15 were permitted to purchase the shares of the other sharers within the time stipulated. But when they failed to utilize the opportunity and sought for extension of time, the same was granted on condition that their failure would entitle the plaintiffs to bring the property for sale in public auction. As the said defendants defaulted in purchasing the shares, the property was brought to sale in public auction and a sum of Rs.6,00,00,000/- was secured as the sale proceeds, which is deposited to the credit of the suit.

4. Earlier, A.Nos.9258 and 9529 of 2018 were filed by the second and third plaintiffs, who are the legal heirs of the deceased first plaintiff, and the ninth defendant respectively seeking permission from this Court to withdraw the sum of Rs.66,72,208.33 p., being their respective shares in respect of the sale price and also the rent collected from the tenants in the suit property to the tune of Rs.49,876/-. The said applications were ordered on 06.12.2018 permitting the applicants therein to withdraw the sum of Rs.66,72,208.33 p. Similar applications are now filed by the above applicants for withdrawal of their respective shares. The applicants also produced the fund certification issued by the Registry stating that a sum of Rs.4,00,33,251.01p. is standing to the credit of the suit as Court deposit.

5. It appears that each of the applicants in A.Nos.6786 to 6790 of 2019 are entitled to a sum of Rs.28,59,518/-, while each of the applicants in A.Nos.6791 to 6795 of 2019 are entitled to a sum of Rs.40,03,325/-, as per the preliminary decree.

6. The plaintiffs having been permitted to withdraw their respective shares, there cannot be any objection for the plaintiffs for granting the applicants also the same relief to withdraw their respective share from the court deposit.

7. Accordingly, these applications are ordered, as prayed for. Individual cheques for a sum of Rs.28,59,518/- each shall be issued by the Registry to each of the applicants in A.Nos.6786 to 6790 of 2019 and for a sum of Rs.40,03,325/- to each of the applicants in A.Nos.6791 to 6795 of 2019 out of the funds lying to the credit of the above suit in C.S.No.418 of 2007.

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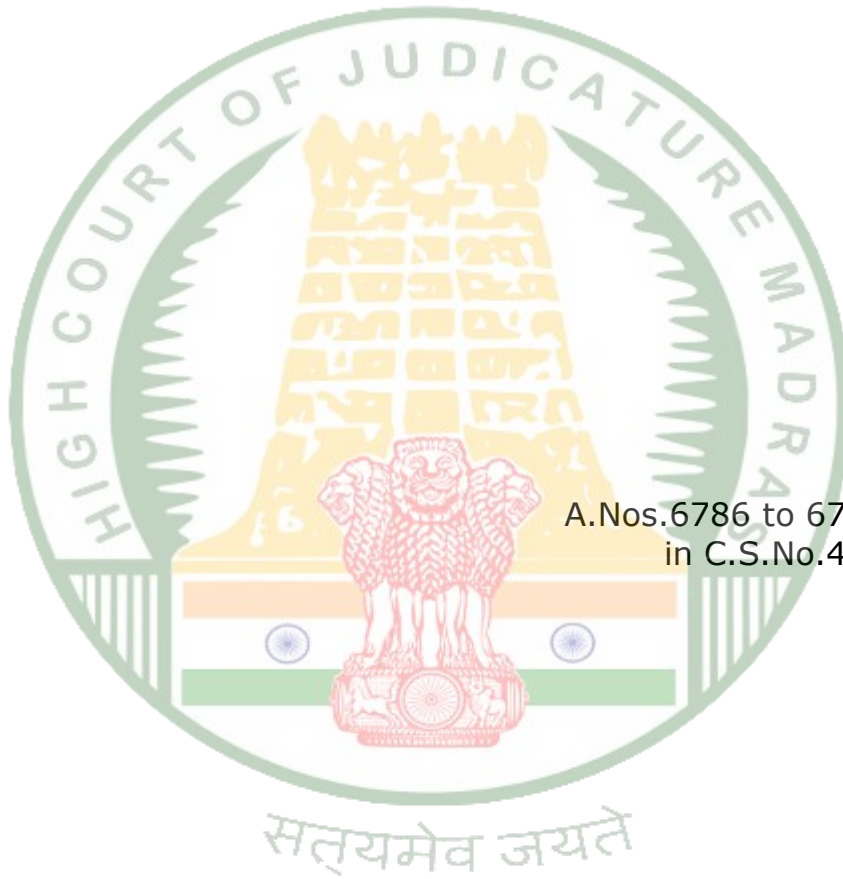
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