



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

C.R.P(MD)No.1035 of 2019

WEB COPY

M/s. Greens Bio Diversity Sanctuary,
rep. by its Managing Trustee,
Mr. Alexander .. Revision Petitioner / Plaintiff

Vs.

1. C.Subramania Pillai
2. S.Palaniammal
3. Murugesan alias S. Murugan
4. R. Padma
5. M.Karuppayee
6. M.Andavar
7. M.Palanisamy
8. M.Meena ... Respondents / defendants

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India against the order made in Filing No.244 of 2019 in O.S.No. 105 of 2010 dated 22.02.2019 on the file of Additional District Judge, Dindigul and give direction to the ADJ, Dindigul to issue cheque for the entire available in civil court deposit in O.S.105/10.

For Petitioner : Mr. J.R. Annie Abinaya
for M/s. B.John Vincent

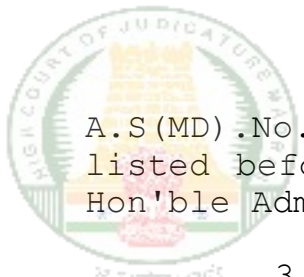
For R5 to R8 : Mr. Anand Chandrasekar
for M/s. Sarvabhauman Associates

ORDER

This Civil Revision Petition has been filed challenging the return of cheque application in Filing No.244 of 2019 in O.S.No. 105 of 2010, dated 22.02.2019, on the file of Additional District Judge, Dindigul.

2. The Court below returned the application in Filing No.244 of 2019, filed by the revision petitioner on 22.02.2019 stating that entire records in O.S.No.105 of 2010 were already sent to the Hon'ble Madurai Bench of Madras High Court for reference in

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A.S(MD).No.83 of 2017 and the said A.S(MD).No. 83 of 2017 has been listed before this Court after getting appropriate orders from the Hon'ble Administrative Judge.

3. Originally, the suit in O.S.No. 105 of 2010 has been filed for specific performance and the same was decreed on 26.09.2012 directing the respondents 1, 3 and 4 to pay the advance amount. They have also deposited a sum of Rs.4,37,351/-. The revision petitioners have filed an application to withdraw the amount already deposited along with interest. However, the Court below has returned the same stating that the bundles are not available.

4. If back papers are lying before this Court, this Court directs the Registry to send the back papers relating to O.S.No.105 of 2010 to the Court below within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of the same from this Court, the Court below shall number the cheque application Filing No.244 of 2019 in O.S.No. 105 of 2010, and permit the revision petitioner to withdraw the said amount lying in the account as per the decree along with interest. The said process shall be completed within a period of two weeks from the date of receipt of records. After completing the same, the Court below shall send the back bundles to this Court for reference to A.S.(MD).No. 83 of 2017, within a period of two weeks from the date of disbursement of the amount.

5. With this observation, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

trp

To

The Additional District Judge, Dindigul.

+1 CC to M/s.A.JOHN VINCENT, Advocate (SR-96122[F] dated 05/11/2019
+1 CC to M/s.SARVABHUMAN ASSOCIATES, Advocate (SR-96136[F] dated 05/11/2019)

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