Application No.768 of 2020
in
A.No.3152 of 2017

SENTHILKUMAR RAMAMOORTHY.J,

This petition is filed to extend the time mentioned in the Order dated 06.02.2020 in A.No.3152 of 2017 by another period of eight weeks.

2. I heard the learned counsel for the Applicants and the learned counsel for the Respondents in the said Application.

3. The learned counsel for the Applicants submitted that in the counter affidavit filed earlier the rental income was mentioned at Rs.13,68,000/- per month on account of an inadvertent typographical error. The actual rental income is about Rs.13,68,000/- per annum and not Rs.13,68,000/- per month.

4. At the last hearing, I had directed the Applicants to produce documents to substantiate the contention that it is Rs.13,68,000/- per annum and not Rs.13,68,000/- per month.

5. In compliance with the said direction, the Applicants produced the lease agreements and Income Tax Returns pertaining to the 'A' schedule property.

6. By referring to the said documents, the learned counsel pointed out that the amounts mentioned in the lease agreement roughly correspond to the amounts mentioned in the Income Tax Returns with regard to the 'A' schedule property.

7. In addition, these amounts match the amounts mentioned by the Applicants in the affidavit filed in A.No.3152 of 2017 and in particular, the table at Page No.105 of the typed set.

8. In view of the aforesaid inadvertent mistake, it is submitted that the Review Application has been filed against the order dated 12.11.19 in O.S.No.286 of 2018 so as to point out the inadvertent typographical mistake and obtain necessary orders. However, the Applicants are ready and willing to deposit the sum of Rs.10,00,000/- per annum for the period subsequent to the filing of A.No.3152 of 2017.

9. The learned counsel for the first respondent/plaintiff disputes the assertion that the rental income is only Rs.13,68,000/- per annum. However, on a ''without prejudice'' basis, he submits that the applicants may be directed to deposit the agreed sum.

10. It is the admitted position that O.S.A. No.286 of 2018 against the order dated 16.07.2018 was dismissed and a review is proposed to be filed for the limited purpose of establishing that the actual rental income is Rs.13,68,000/- per annum and not per month. Therefore, in the interim, the applicants should deposit the aforesaid agreed amount of Rs.10,00,000/- per annum, which has been computed by the applicant as Rs.13,68,000/- per annum minus taxes and other expenses. This amount should be deposited at Rs.10,00,000/- per annum for the financial year 2017-2018 to the financial year 2019-2020. In other words, a sum of Rs.30/- Lakhs should be remitted for the period, 1st April 2017 to 31st March 2020. This roughly corresponds to the period from the filing of the application till 31.03.2020.

11. Accordingly, this Application is disposed of by issuing the following directions:

(i). The first defendant is directed to establish a fixed deposit account in the name of the Registrar General, High Court, Madras and deposit the aggregate amount of Rs.30,00,000/-. Such deposit shall be made within a period of six weeks from the date of receipt of a copy of this order.

(iii) The deposit shall be for an initial period of one year and shall be renewed periodically until disposal of the suit along with the interest accruals thereon.

(iii). The fixed deposit receipt shall be deposited with the Registrar General of this Court within one week from the date of deposit after providing a copy to the first respondent.

27.02.2020

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SENTHILKUMAR RAMAMOORTHY.J,

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in

A.No.3152 of 2017

27.02.2020