

C.M.P.No.20504 of 2019
in
Rev.Appl.No.43 of 2016
in
A.S.No.517 of 1993

K.RAVICHANDRABAABU.J.,

C.M.P.No.20504 of 2019 in Review Application No.43 of 2016 in A.S.No.517 of 1993 is filed by the review petitioner seeking for permission to deposit a sum of Rs.46,55,000/- to the credit of the review petition in No.43 of 2016 in A.S.No.517 of 1993.

2. This petition is opposed by filing a counter affidavit sworn in by one I.Samuel Devadoss, claiming to be the power agent of the respondent by contending that the respondent does not have bank account in India and any payment in her name cannot be handed over to her directly and that she has authorized the deponent to receive the amount in her name. Therefore, it is stated in the counter affidavit that the review petitioner/miscellaneous petitioner herein may be directed to pay the amount due to the respondent to her Power of Attorney.

3. Heard both sides and perused the respective pleadings of the parties.

4. This Court, while deciding the review petition No.43 of 2016 in A.S.No.517 of 1993, passed an order on 05.06.2018 by allowing the review under the terms stipulated therein which are as follows:

"54.Considering the above stated facts and circumstances, the review is allowed in the following terms:

a) CMP No.4556 of 2016 is allowed in part as indicated above and CMP No. 17619 of 2017 is dismissed.

b) The sale deed dated 29.06.2001 executed by the respondent herein marked as Ex.P1 herein cannot have any overriding effect on the family arrangement already entered as early as on 16.05.1974 marked as Ex.B1 to which the respondent is a party.

c) However, in view of the facts and circumstances of the case and the findings rendered supra, the sale effected by the respondent under Ex.P1 shall not get disturbed by the order made in this review.

(d) In view of the terms of the compromise already entered into before this Court and the payment made to the other sisters therein, the eighth defendant shall pay the respondent herein also a sum of **Rs.8,74,999/-** along with interest at the rate of 24% per annum from 11.04.2001, being the date of the judgment rendered by this Court in terms of the compromise.

e) In view of the above findings, the judgment and

decree passed by this Court in the appeals in so far as the fifth respondent (respondent in this review) is concerned, are modified to the effect and to the extent as indicated supra. No costs."

5. It is stated that the said order made in the review petition has become final, since the challenge made against the said order before the Hon'ble Apex Court became unsuccessful. The review petitioner in terms of the order passed in the above review petition seeks to make the payment as stipulated under Clause (d) of the said order to the respondent and however, as she is not available in this Country and she is insisting the review petitioner to make such payment to her power of attorney, he has come out with the present application.

6. The learned Senior Counsel appearing for the respondent submitted that since the respondent is not having bank account in India, the power of attorney of the respondent may be permitted to receive the said amount in his name instead in the name of the respondent.

7. As already stated supra, since this Court has modified the decree passed in the first appeal under the above stated terms, out of which, one is

for a direction to the 8th defendant in the suit to pay a sum of Rs.8,74,999/- to the respondent in the review petition along with interest @ 24% p.a. from 11.04.2001, the said sum can be paid by the 8th defendant only to the respondent or in her name and not in the name of the said I.Samuel Devadoss. Since the respondent expresses some difficulty in receiving the said sum directly, this Court is of the view that the review petitioner, being the 8th defendant, can be permitted to deposit the said sum accrued with interest to the credit of A.S.No.517 of 1993 on the file of this Court so as to enable the respondent herein to withdraw the said sum in the manner known to law.

8. Accordingly, this Civil Miscellaneous Petition is ordered, permitting the petitioner to deposit the sum of Rs.8,74,999/- along with interest @ 24% p.a. from 11.04.2001, within a period of two weeks from the date of receipt of a copy of this order. On such deposit, the respondent is permitted to withdraw the amount in the manner and procedure known to law.

10.02.2020

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