

C.M.P.No. 26301 of 2019

in

A.S.No.726 of 2009

S.M.SUBRAMANIAM.,J

This miscellaneous petition is filed to direct the Registry, High Court to issue a cheque in favour of M/s.Adityaram Properties Private Limited for a sum of Rs.11,30,405.50/- (Rupees Eleven Lakhs Thirty Thousand Four Hundred and Five and Fifty Paisa Only), lying in the credit of A.S.No.726 of 2009.

2. The learned counsel for the petitioner states that the petitioner/appellant filed a suit for specific performance against the respondents 1 to 8 in O.S.No.588 of 2004, on the file of the Principal District Judge, Chengalpattu. The suit was decreed on 23.12.2008 and an alternative remedy to refund the advance amount with interest was granted in the suit. The petitioner filed an appeal against the decree in O.S.No.588 of 2004 and the said appeal suit was also dismissed by this Court on 02.06.2015. Thereafter, the review application filed in Rev.Appl.No.61 of 2016, was also rejected on 18.04.2016.

3. This being the factum, the petitioner filed the present petition to direct the Registry, High Court to issue a cheque in favour of M/s.Adityaram Properties Private Limited., for a sum of Rs.11,30,405.50/- (Rupees Eleven Lakhs Thirty Thousand Four

Hundred and Five and Fifty Paise Only), lying in the credit of A.S.No.726 of 2009. In view of the fact that both the Trial Court as well as this Court passed decree directing the defendants to repay the advance amount received from the petitioner/appellant and the said advance amount had already been deposited in the credit of A.S.No.726 of 2009, the petitioner is entitled to get back the said amount with accrued interest.

4. In view of the facts and circumstances, the Registry, High Court of Madras is directed to refund the amount of Rs.11,30,405.50/- (Rupees Eleven Lakhs Thirty Thousand Four Hundred and Five and Fifty Paise Only), lying in the credit of A.S.No.726 of 2009, with accrued interest without causing any undue delay. Accordingly, the civil miscellaneous petition stands allowed.

सत्यमेव जयते

04.02.2020

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