

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.No.9034 of 2019

in
C.S.No.649 of 2001

K. Ramesh

... Applicant

Vs.

J. Raviraj
Proprietor of
M/s. Omtee Builders & Contractors,
11, Cenotaph Road,
Teynampet, Chennai – 600 018.

... Respondent

Prayer: Application filed under Order XIV, Rule 8 of O.S.Rules r/w Section 9(ii) (b) of the Arbitration and Conciliation Act, 1996 to raise the attachment made in A.No.873 of 2002 on 20.03.2002 and made absolute on 17.10.2003 in respect of the property, viz., Old No.19, New No.41, Bhimasena Garden Street, Mylapore, Chennai – 600 004 and more particularly described in the schedule to the Judge's Summons.

For Applicant : Mr. Prakash Goklaney
For Respondent : Mr. M.V. Venkateshan

ORDER

In pursuant to the order passed by this Court on 27.07.2020, a memo was filed by the applicant / defendant, which reads as follows:-

“The applicant/Defendant states as follows:

1. In view of the consensus arrived at between the parties the applicant/defendant has handed over a demand draft dated 18.08.2020 bearing No.659922 drawn on Bank of Baroda, Adyar, Chennai, for Rs.10,00,000/- (Rupees Ten lakhs only) to the respondent herein.

2. It is agreed that the attachment over the property mentioned in the schedule to the application shall stand raised forthwith.

3. The respondent herein has agreed to remove all his materials from the application schedule mentioned property within one month hereof.

4. The applicant undertakes to pay a further sum of Rs.40,00,000/- (Rupees forty lakhs only) within a period of nine months from the date of the respondent removing his material from the subject property, or within such time as this Hon'ble Court might grant taking into consideration the prevailing circumstances of the pandemic.

5. The respondent shall not have any other claim against the applicant after the aforesaid payment is made in full.”

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2. The memo is taken on record. Though, nine months time is granted, this Court is of the view that eight months period is given for the payment of remaining sum of Rs.40,00,000/- within a period of eight months from the date of the respondent handing over possession and the respondent is also directed to

handover possession removing his material from one month from today. So that the applicant can deal with the properties, in order to facilitate the attachment passed by this Court is raised. The memo shall form part of the order.

3. The registry is directed to inform the concerned Sub-Registrar as to raise the attachment.

AT

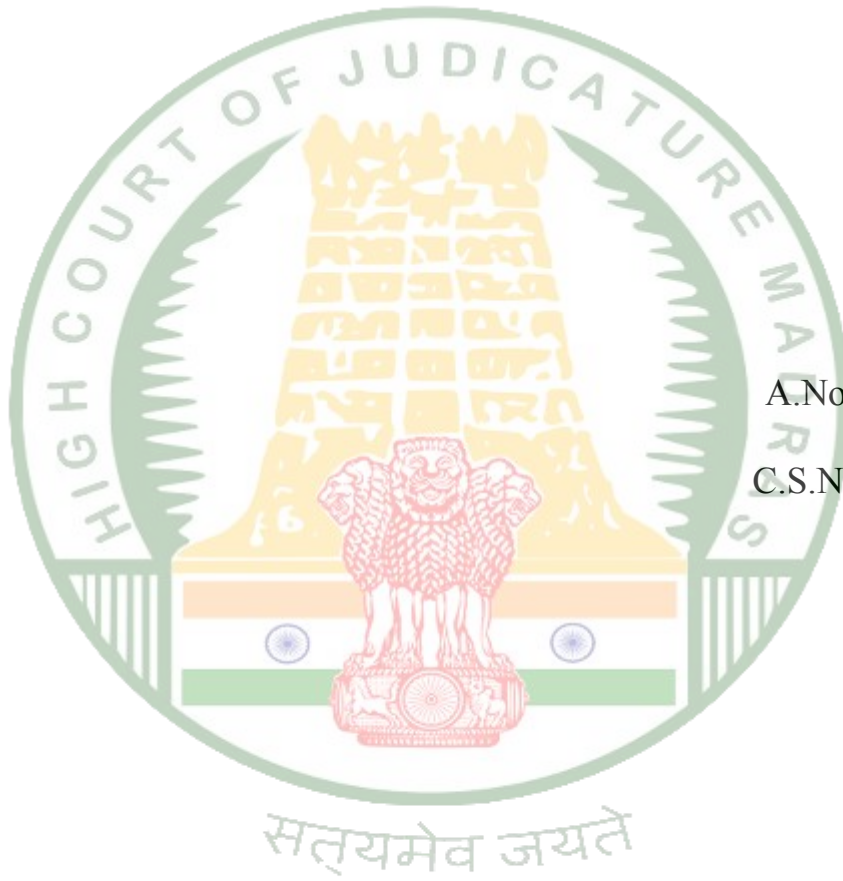
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N.SATHISH KUMAR, J.

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