

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Thirtieth day of January Two Thousand Twenty

PRESENT

THE HON`BLE MR.JUSTICE C.SARAVANAN

CMP No.23613 of 2018

in CRP.No.2891 of 2018

1 ARIKRISHNA CAVOUNDAR [PETITIONERS]

2 ALLAPITCHAI

3 MARIAMMAL

4 PORKALAISELVI

5 KALAISELVI

Vs

TMT.R.M.S VASANTHA

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to clarify and direct as to where the said amount of Rs.49,50,100/- to be deposited to comply with the order dated 19.09.2018 made in C.M.P.No.16948 of 2018 in C.R.P.No.2891 of the file of this Hon`ble court. (in CMP.No.23613/2018)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.V.JAYARAMAN, Senior Counsel for M/S.T.DHANASEKARAN, Advocate for the petitioner and of M/S.P.POOJA for M/S.GIRIDHAR & SAI ASSOCIATES on behalf of the Respondents the court made the following order:-

This Civil Miscellaneous Petition is filed to clarify/direct as to where the amount of Rs.49,50,100/- has to be deposited in compliance with the order dated 19.09.2018 made in C.M.P.No.16498 of 2018 in C.R.P.No.2891 of 2018.

2. The petitioner had submitted that they were ready to pay the principal amount of Rs.49,50,100/- within a period of eight weeks from 19.09.2018. Therefore an interim order was passed on 19.09.2018. However, the order did not specify as to where the amount was to be deposited before the III Additional District Court, Puducherry or before this Court in CRP.No.2891 of 2018.

3.The petitioner had also filed a memo before the III Additional District Court, Puducherry for depositing the amount. However, the petitioner was unable to deposit the aforesaid amount. Under these circumstances, the present civil miscellaneous petition was filed before this Court on 12.11.2018 for clarification. It has however taken almost more than a year to list the present civil miscellaneous petition for clarification.

4. Today, i.e. 30.01.2020, the learned counsel for the respondent opposed to grant extension of time to the petitioners.

5. Considering the submissions made by the learned Senior counsel for the petitioners and the respondent, the petitioners are directed to deposit the aforesaid sum of Rs.49,50,100/-to the credit of the suit in O.S.No.22/2008 on the file of the III Additional District Court, Puducherry, on or before 04.02.2020. Though the petitioners have taken steps to pay the amount, they were not deposited the same, they are directed to pay a sum of Rs.1,00,000/- as cost to the respondent. The said cost shall be paid directly to the respondent on 04.02.2020. Proof of compliance of the aforesaid sum of Rs.49,50,100/- and Rs.1,00,000/- has to be filed before the concerned Court.

6 Subject to deposit of the aforesaid amount and the cost, interim stay already granted by this Court is extended after due compliance. Liberty is given to the respondent to move the appropriate application for vacating the interim stay in the above said civil revision petition.

-sd/-

30/01/2020

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

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TO

1 THE III ADDITIONAL DISTRICT
JUDGE, PUDUCHERRY.

C.C. to M/S.T.DHANASEKARAN Advocate Sr.No.1152

C.C. to M/S.GIRIDHAR & SAI ASSOCIATES Sr.No.1170

Order

in

CMP.No.23613 of 2018

in CRP.No.2891 of 2018

Date :30/01/2020

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