

CMP.No.5385 of 2020
in
AS.No.612 of 2011

A.A.NAKKIRAN, J.

This petition has been filed to extend the time to deposit the additional sum of Rs.7,00,000/- as ordered by this court and liberty to get the sale deed executed through Additional District Judge, FTC Court, Poonamallee.

2. By order dated 03.04.2017, this Court has passed the following order.

“16.....this is of the view that the plaintiff can be directed to pay a further sum of Rs.7,00,000/- to the defendant and the defendant shall execute a sale deed in favour of the plaintiff, after receipt of the additional sum of Rs.7,00,000/-. In the event of failure to receive the amount by the defendant, the plaintiff shall deposit the said sum of Rs.7,00,000/- to the credit of O.S.No.73 of 2006 on the file of the Additional District Judge, (Fast Track Court-II) Poonamallee within three months from this date”

3. Today, when the matter is taken up for consideration, the learned counsel appearing for the petitioner has submitted that the petitioner was unaware of the order passed by this Court on 03.04.2017. On verification, the petitioner came to know that his Advocate was no more. Thereafter, the petitioner engaged the present counsel and after enquiry, she was informed that the appeal has been disposed of by this Court on 03.04.2017 itself. After coming to know about the same, on

instructions, she has preferred this petition seeking extension of time for execution of the order of this Court dated 03.04.2017 and prays to allow this petition.

4. Learned counsel for the respondent has submitted that the order made in the first appeal has not been complied with within the stipulated period and that this petition is liable to be dismissed on the ground that this petition has been filed belatedly and therefore, he would vehemently oppose to allow this petition.

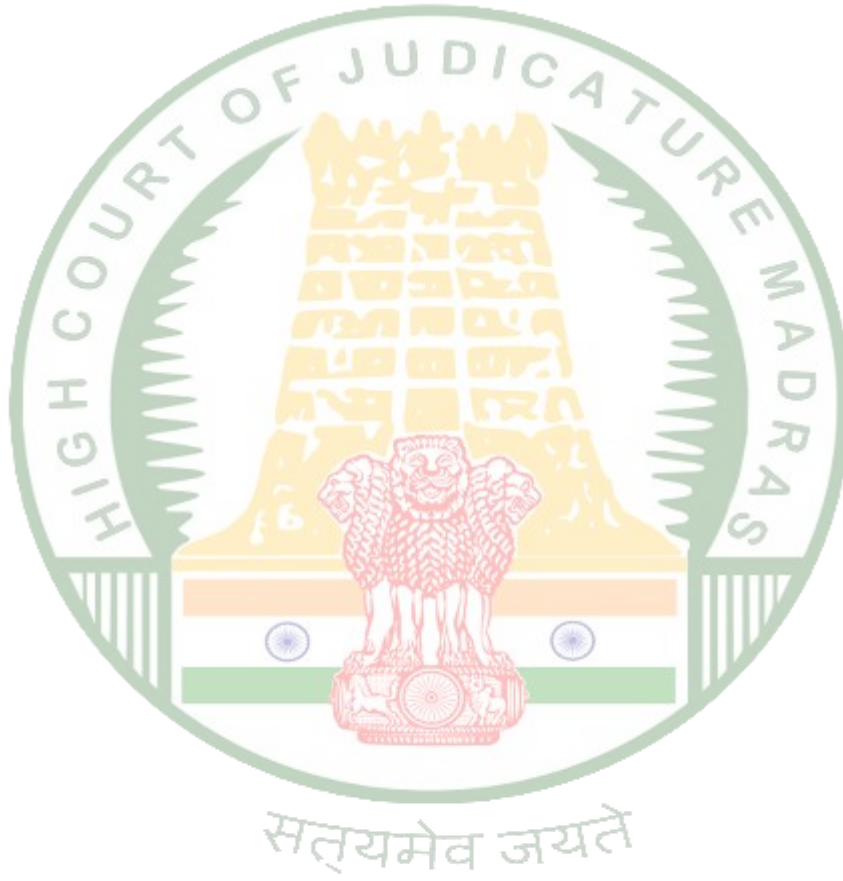
5. The Petitioner only seeks to grant extension of time to comply with the said order for the reasons stated above. Hence, considering the reasons stated by the Petitioner and the facts and circumstances of the case and the observations made in the earlier order dated 03.04.2017, this court is inclined to allow this petition, however, on payment of interest. Accordingly, this Petition is allowed and two weeks time from the date of receipt of a copy of this order is granted to the Petitioner to deposit the additional sum of Rs.7,00,000/- (Rupees seven lakhs only) on condition that the Petitioner shall also deposit interest at the rate of 12% per annum on the said sum of Rs.7,00,000/- from the date of the order i.e., from 03.04.2017 till the date of deposit of the said additional sum, failing which, this petition shall automatically stand dismissed, without any further reference to this Court.

6. In the result, this petition is allowed.

22.10.2021

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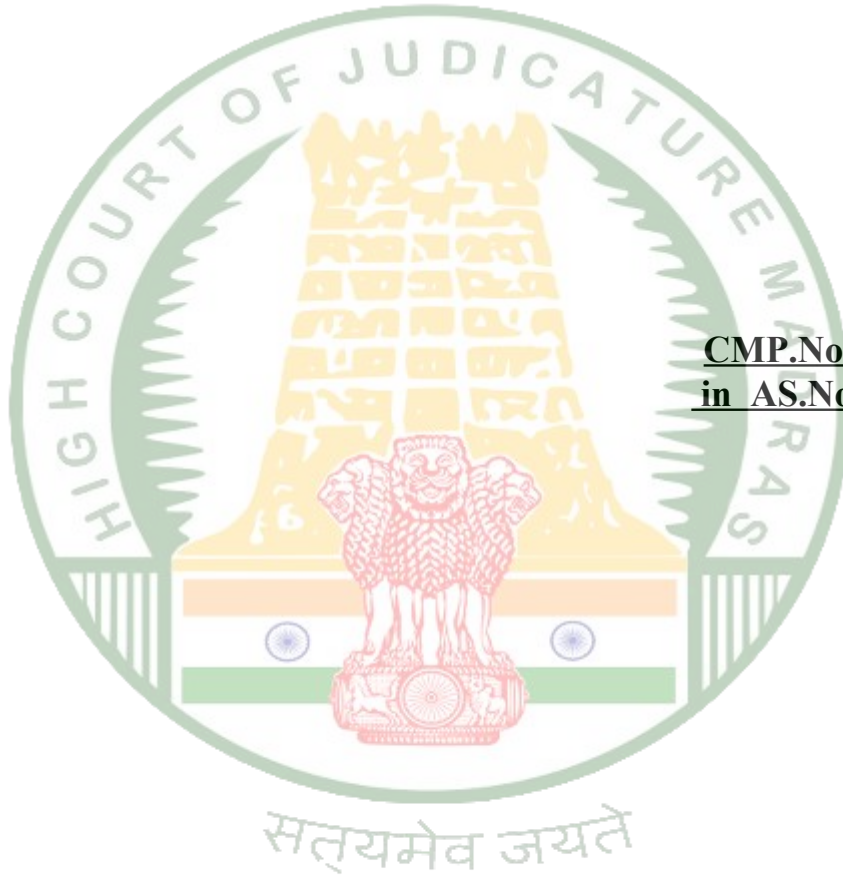
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