

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P. (NPD) No.1493 of 2021

(Through Video Conference)

1.R.Ramanathan

2.Ramalakshmi

3. R.Raman

4. R.Mariappan

5. R.Kamala

.. Petitioners

Versus

1. M/s.Draavidian Benefit Fund Ltd,
Represented by its Chief Executive
Mr.D.Arul Selvan,
No.50, E.V.K.Sampath Road, Vepery,
Chennai – 600 007.

2. M/s.Alwin Company,
Government and Public Auctioneers,
Represented by its Proprietor,
No.260, (Old No.204) 1st Floor,
Thambu Chetty Street, Chennai – 600 001.

3. T.Sekhar

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 17.02.2021 passed in

I.A.No.2 of 2019 in I.A.No.01 of 2019 in O.S.No.1444 of 2007, on the file of the VI Additional City Civil Court at Chennai and restore the same.

For Petitioners : M/s.Sharumathi
For Mr.N.Moorthi
For R-1 : Mr.T.Srikanth
For R-3 : Mr.N.Anbazhagan
For R-2 : No Appearance

ORDER

When this matter is taken up for hearing, it is represented by the learned counsel for the petitioners and learned counsel for the 3rd respondent that there was a suit filed by the 3rd respondent in C.S.No.93/2020 before this Court. In the said suit, the parties entered into a compromise and a compromise decree was passed.

2. It is now claimed by the petitioners that a sum of Rs.3,05,415/- (Rupees Three Lakhs and Five Thousand and four hundred and fifteen only) is available to the credit of O.S.No.1444 of 2007 and this is the surplus amount deposited by the auction purchaser to the auctioneer / 2nd respondent herein. The second respondent in turn has deposited the amount in the Court.

3. Now, the petitioners pray for the permission of this Court to approach the learned VI Additional Judge, City Civil Court at Chennai for withdrawing the sum of Rs.3,05,415/-.

4. Learned counsel appearing for the respondents 1 and 3 have no objections for the petitioners to approach the learned VI Additional Judge, City Civil Court at Chennai to receive the amount.

5. In the said circumstances, this Court is of the considered view that this Civil Revision Petition may be closed giving liberty to the petitioner to approach the learned VI Additional Judge, City Civil Court at Chennai with appropriate application for withdrawing the sum of Rs.3,05,415/-. On such petition being filed, the learned VI Additional Judge, City Civil Court at Chennai is directed to dispose the matter on merits and in accordance with law as expeditiously as possible. Accordingly, the Civil Revision Petition stands closed. No costs.

08.09.2021

G.CHANDRASEKHARAN, J.,

sts/ drm

Index :Yes / No

Speaking order / Non speaking order

sts/ drm

To:

The VI Additional Judge,
City Civil Court,
Chennai



Order made in
C.R.P. (NPD) No.1493 of 2021

WEB COPY

Dated:
08.09.2021