



A/1774/2021 in CS/33/2007

A.No.1774 of 2021
in C.S.No.33 of 2004

N.SESHASAYEE.J.,

The present suit is an off shoot to an earlier civil suit filed before the Sub Court, Chengulpattu in O.S.No.197 of 2003. The said suit is laid for mandatory injunction that the defendants shall not alienate the property as the plaintiff in that suit was holding an agreement of sale. That suit ended in an compromise. As per the compromise the plaintiff was required to pay the balance sale consideration of Rs.36,34,999/- to the defendants and if he does not pay the said sum within the stipulated period, the defendants were to return the plaintiff's amount earlier received and they were permitted to transact the property with third party. It appears the plaintiff has not complied with the condition to pay the balance sale consideration in terms of the compromise he had entered into before the Sub Court, Chengalpattu. Hence, the defendants had proceeded to enter into a sale agreement with a third party. It is in these circumstances, the plaintiff has laid the present suit for specific performance. The defendants had returned the defendant's sale consideration of Rs.18,65,001/- to the plaintiff by Demand Draft which the plaintiff refused. Thereafter, the plaintiff has laid the present suit. The defendants have produced the Demand Draft for Rs.18,65,001/- taken in the



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name of the plaintiff from the Canara Bank, Ashok Nagar Branch and has deposited the said Demand Draft in this case. The defendants now require that this Demand Draft be returned to them so that the Demand Draft be converted into a fixed deposit. This Demand Draft is already marked as Ext.D.5.

2.None appeared for the plaintiff/respondent.

3.This Application is allowed. The Registry is now required to substitute the said document with a certified copy of the said Demand Draft and return the original. The defendants are now required to deposit the said amount to the credit of this case.

22.11.2021

Tsg



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