

A.No.2320 of 2020
in C.S.No.611 of 2008

P.T. ASHA, J,

The above application is filed by the applicant/plaintiff for depositing a sum of Rs.10 lakhs to the credit of the suit in keeping with the orders passed in O.SA.No.196 of 2018.

2.It is the case of the applicant/plaintiff that she has filed a suit for Specific Performance against the respondents/defendants and the Court by Judgment dated 09.02.2018 decreed the suit and directed that a sum of Rs.10 lakhs be paid to the defendants 3 to 7 by way of an additional sale consideration. The applicant had issued a notice dated 05.03.2018 requesting the respondents/defendants 3 to 7 to specify the mode in which the payment has been made. Since there was no response she was constrained to file A.No.3862 of 2019 which was allowed by this Court directing the applicant to deposit the same within six weeks from the date of receipt of a copy of that order. The applicant has made the said deposit.

3.In the meanwhile, O.S.A.No.196 of 2018 filed by the respondent/defendants 3 to 7 against the Judgment an Deecre in the suit was dismissed and the Honourable Division Bench directed the applicant to pay a further sum of Rs.10 lakhs. Once again, the applicant had called upon the respondent to specify the mode of payment vide their notice dated 05.03.2020, however, the respondents refused to issue her reply. Therefore, once again, the applicant has been constrained to approach this Court for necessary orders to deposit the said sum.

4.The learned counsel for the respondents would submit that the respondents 3 to 7 have filed a Special Leave Petition before the Hon'ble Supreme Court and therefore, the said application deserves to be dismissed.

5.Heard the learned counsels appearing on either side and perused the papers.

6.The present application has been filed to comply with the orders passed in O.S.A.No.196 of 2018. The applicant has taken out an application only to deposit the said sum into Court so as to in compliance of the order. In case, the respondents succeed before the Hon'ble Supreme Court the amount so deposited can be handed over to the applicant. The deposit of the said amount will not in any way prejudice the right of the respondents/defendants 3 to 7 before the Hon'ble Supreme Court.

In the result, this Application is ordered. The said amount shall be deposited within a period of three weeks from the date of receipt of a copy of this order.

11.01.2021

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