



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Sixteenth day of July Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CMP (MD) No.4919 of 2021
in
A.S. (MD) No.149 of 2021

1.M/S.KANAGA INFRA PROJECTS
(P) LIMITED, REPRESENTED THROUGH ITS DIRECTOR,
V. KANNAN

2.V.KANNAN
... PETITIONERS/APPELLANTS
1 & 2/DEFENDANTS 1 & 2

Vs

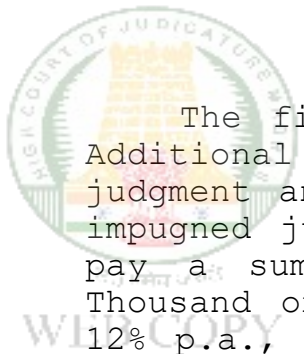
K.ANBUCHELIAN
... RESPONDENT/RESPONDENT/PLAINTIFF

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to direct the petitioners to deposit the suit decreed value in the court as Fixed Deposit in the Bank as stipulated by this Honourable court in the name of this Honourable court or as directed by this Honourable court, thereby removing the attachment of the property belonging to the 1st petitioner in Doc. No.1/2020 on the file of the Sub Registrar, Arasaradi, Madurai.

Prayer in AS (MD) . 149/ 2021 :

Pleased to take the appeal on file evaluate the grounds raised in the appeal memorandum and those additional ground that may be raised at the time of arguments and set aside the judgment and decree passed by the Learned VI Additional District Judge, Madurai by the order-dated 12.02.2021 in OS No. 180/2017 and set aside the same.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.GURURAJ, Advocate for the petitioner and for the respondent not appeared either in person or by an Advocate the Court made the following order:-



The first defendant in O.S.No.180 of 2017 on the file of VI Additional District Judge, Madurai filed this appeal questioning the judgment and decree dated 12.02.2021, passed in the suit. By the impugned judgment and decree, the petitioner has been directed to pay a sum of Rs.15,30,000/- (Rupees Fifteen Lakhs and Thirty Thousand only) to the plaintiff with the interest at the rate of 12% p.a., from the date of plaint till the date of decree and 6% p.a., from the date of plaint till the date of realization for the principal amount of Rs.15,00,000/- (Rupees Fifteen Lakhs only). During the pendency of the suit, the plaintiff filed I.A.No. 1047 of 2017 for attaching the property set out in the interlocutory application schedule. It appears that the property is covered by document No.1265 of 2015, dated 30.03.2012, on the file of the office of the Sub Registrar, Arasaradi.

2. Learned counsel appearing for the petitioner states that vide Document No.1 of 2020, the attachment has been effected, now the petitioner comes forward to deposit the entire decreetal amount without prejudice to his contention in the appeal for the purpose of raising of attachment. The petitioner is permitted to deposit the entire decreetal amount as computed upto date to the account of O.S.No.180 of 2017 on the file of VI Additional District Court, Madurai. On such deposit, the same shall be invested in an interest bearing account in any nationalized bank. Thereafter, the learned trial Judge will issue a proper communication to the Sub Registrar Office, Arasaradi for raising the attachment.

3. This Civil Miscellaneous Petition is disposed of on this terms. I make it clear that the said deposit will be kept alive and renewed till the disposal of this first appeal. The disbursement of the deposited amount will depend upon the outcome of the first appeal. Till then, the petitioners herein will not be entitled to withdraw the amount in question.

sd/-
16/07/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE VI ADDITIONAL DISTRICT JUDGE,
MADURAI.

ORDER
IN
CMP(MD) No.4919 of 2021
IN
A.S.(MD)No.149 of 2021
Date :16/07/2021

VSM

<https://hccs.cce.org.in/hccs/vlcs/> 15.07.2021 : 2P/2C