



WEB COPY



**CMP.No.1527 of 2020
in
S.A.No.161 of 2016**

KRISHNAN RAMASAMY, J.,

This petition has been filed to order payment out for a sum of Rs.7,25,063/- deposited by the respondent/appellant to the credit of the above appeal in due compliance of the order dated 05.07.2016 in CMP No.3294 of 2016 in SA.No.161 of 2016 and accordingly issue a cheque for a sum of Rs.7,25,063/- with accrued interest, in favour of petitioner/respondent viz., L.Neelakantan.

2.The suit is filed for recovery of money. The suit was decreed and the said decree was also confirmed by the lower Appellate Court. Late, this Court also dismissed the Second Appeal confirming the judgments and decrees passed by the Courts below.

3. A Review Application in Rev.Appln no.15 of 2020 has been



WEB COURT

filed. The learned counsel for the review petitioner reported no instructions from his client. It shows that the applicant has not evinced any interest in prosecuting the Review Application and hence, the same was dismissed for non-prosecution by this Court vide order, dated 27.10.2022.

4. This Court vide order dated 05.07.2016, directed the respondent/appellant company to deposit 50% of decretal amount to the credit of S.A.No.161 of 2016. In such circumstances, the present application has been filed to order payment out for a sum of Rs.7,25,063/- . According to the petitioner/respondent, a sum of Rs.7,25,063/- is lying to the credit of SA No.161 of 2016 and hence, he sought for a direction to issue a cheque for the said sum with accrued interest.

5.Heard Mr.M.Arun Kumar, for M/s.Sampathkumar & Associates learned counsel appearing for the petitioner/respondent.



WEB COPY

6.Considering the submissions made by the learned counsel for the petitioner/respondent and also being satisfied with the reasons assigned in the affidavit filed in support of this petition, this Court is inclined to allow this petition.

7.Accordingly, this Civil Miscellaneous Petition is allowed as prayed for and issue a cheque for a sum of Rs.7,25,063/- along with accrued interest which is lying to the credit of SA No.161 of 2016 in favour of the petitioner/respondent, viz., L.Neelakantan within a period of two weeks from the date of receipt of a copy of this order. Pursuant to the interim order, only 50% of the decretal amount was deposited, the petitioner is at liberty to recover the balance amount by executing the decree.

27.10.2022

dn

KRISHNAN RAMASAMY, J.,

3/4



WEB COPY



dn

**CMP.No.1527 of 2020
in
S.A.No.161 of 2016**

27.10.2022