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A.No.2989 of 2022
in E.P.No.59 of 2000

Krishnan Ramasamy, J.,

This application has been filed to set aside the order of the learned Master dated 01.03.2019 passed in A.No.1014 of 2019 in E.P.No.59 of 2019.

2. The above said application was filed for the payment of a sum of Rs.63,14,016/- together with further accrued interest till date, lying in the credit of E.P.No.59 of 2000 in FDR.No.882102 dated 27.11.2004 to the first applicant/Judgment Debtor/M/s.Essor Hotel Pvt. Ltd.

3. The case of the applicant is that the learned Master by virtue of its earlier order dated 05.10.2017 permitted the decree holder/first respondent/Mr.N.Boralingaiah, to withdraw a sum of Rs.3,73,74,425/- and pursuant to the same, the Indian Bank, Egmore Branch, also issued a cheque in favour of the first respondent herein, for a sum of Rs.3,73,74,425/-.

4. The learned counsel appearing for the first respondent herein would submit that he has received the said money on behalf of him and on behalf of the other respondents. Therefore, there is no other claim against the Judgment Debtor. He would further submit that subsequent to the payment of the entire decree amount viz., Rs.3,73,74,425/-, the applicant is entitled for the balance amount for a sum of Rs.63,14,016/- which is lying to the credit of E.P.No.59 of 2000 in FDR.No.882102 dated 27.11.2004 with the Indian Bank, Egmore Branch.

5. Initially, this FDR bearing No.882102 was made on 27.11.2004 and subsequently, pursuant to the direction of the learned Master, a sum of Rs.73,74,425/- was paid by closing the FDR dated 27.11.2004. However, after the payment of the decretal amount, balance sum of Rs.59,19,751/- as on 21.10.2017 was still lying to the credit of the EP and it was put in the form of FDR.No.0184823. In this regard, a letter dated 02.08.2022 addressed by the

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Branch Manager of Egmore Branch of the Indian Bank is available in the additional typed set of documents filed by the petitioner.

6. Therefore, the FDR bearing No.0184823 made on 21.10.2017 which was matured on 21.10.2018 for Rs.63,14,016 and accordingly, the applicant is entitled to receive the same along with accrued interest thereon till the date of payment. However, the learned Master has not called for the particulars of the amount lying in the FDR with the Indian Bank, Egmore Branch and failed to order the release of the balance amount together with accrued interest to the Judgment Debtor. Therefore, the learned counsel for the applicant prays this Court to set aside the order of the learned Master and direct the Branch Manager of the Indian Bank to disburse the balance amount to the applicant.

7. In view of the above, while setting aside the order of the learned Master, the Branch Manager, Indian Bank, Egmore Branch, is hereby directed to disburse whatever the amount lying in FDR No.0184823 dated 21.10.2017 along with the accrued interest as on the date of payment by way of Bankers Cheque in favour of the applicant, M/s.Essor Hotels Pvt. Limited, within a period of two (2) weeks from the date of receipt of a copy of this order.

8. Accordingly, this Application is disposed of.

03.08.2022

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