



A.No.1555 of 2022
in
C.S. No.810 of 1996

V.BHAVANI SUBBAROYAN., J.

This application has been filed to permit the applicant to withdraw the accumulated outstanding amount of Rs.70,42,070.64 (Rupees Seventy Lakhs Forty Two Thousand Seventy and Paise Sixty Four Only) standing to the credit of C.S. No.810 of 1996 as Court deposit, in the account of Registrar, Madras High Court, as stated in certificate of funds dated 09.03.2022 which was deposited in the case of C.S. No.810 of 1996 of Rs.18,20,000/- as suit value deposited in Union Bank of India, Washermenpet Branch as Fixed Deposit No.104/8972011 on 12.04.1998.

2. The learned counsel for the applicant would submit that the applicant has filed the suit in C.S. No.810 of 1996 for specific performance on the basis of agreement dated 22.06.1995. The said suit was decreed on 28.02.2001 directing the 1st defendant to execute and register the Sale Deed in respect of the schedule mentioned property in favour of the plaintiff/applicant herein. In view of the death of the 1st defendant in the



suit, the sale deed was not executed despite the decree was passed in favour of the plaintiff/applicant herein. Hence, the plaintiff/applicant herein filed another E.P. No.173 of 2001, impleading legal heirs of the 1st defendant in the suit. In the event of their absent in the aforesaid proceedings, this Court directed a sale deed to be executed by its officer and a sale deed came to be executed on 04.04.2005 after depositing the balance amount of Rs.18,20,000/- to the credit of C.S. No.810 of 1996. Thereafter, the plaintiff/applicant herein filed E.P.No.57 of 2006 seeking delivery of possession which was dismissed by order dated 04.04.2019 of this Court stating that the decree passed in favour of the plaintiff/applicant herein is nullity.

3.It has been further submitted that in view of the nation wide lock-down due to Corona infection and other factors, the plaintiff/applicant is not able to proceed further in this regard and seeks permission to withdraw the deposit lying in the account of C.S. No.810 of 1996.



4. The learned counsel for the respondents has not objected for the same.

5. In the fund certificate dated 09.03.2020 given by the Registry , it is stated that a sum of Rs. 70,42,070.64 - was renewed on 23.09.2019 with Union Bank of India, Washermenpet Branch, Chennai-600 021 for a period of three years, which carries interest of 6.40% per annum.

6. In view of the reasons assigned in the affidavit filed in support of the Judges' Summons and taking into account the Judgment and Decree dated 28.02.2001 passed by this Court, there shall be a direction to pay the amount available in the credit of C.S. No.810 of 1996 to the plaintiff/applicant herein. The Registry is directed to issue a cheque for the said amount in the name of the applicant accordingly.

7. The application is allowed as indicated above.

08.04.2022

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4

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