



C.M.P.No.8116 of 2022
in A.S.No.1065 of 2009

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

CORAM

THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN

C.M.P.No.8116 of 2022

in

A.S.No.1065 of 2009

N.Paneerselvam

... Petitioner

-Vs.-

1. P.Anandan,
S/o.Paramasiva Thevar.

2. A.Sundarapandian,
S/o.Ayyar Thevar.

3. R.Ramasamy,
S/o.Rangarajulu.

4. R.Chandra,
W/o.Ramasamy.

.. Respondents

Civil Miscellaneous Petition filed under Section 151 of Code of Civil Procedure to direct to adjustment of the deposit, being a sum of Rs.3,60,000/- deposited as per the order passed in M.P.No.1 of 2009 in A.S.No.1065 of 2009 on 18.06.2010 and the interest that has accrued, which is lying in deposit to the account of the suit pending before the trial Court out of the amount due as per the order passed by the trial Court.



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For Petitioners : Mr.K.G.Vasudevan
For Respondents : Mr.P.Anand
for Mr.V.Balaji for R1 and R2

ORDER

This application has been filed by the appellant, who had lost his appeal and suffers the mortgage decree. In this application, he seeks a direction to adjust Rs.3,60,000/-, which he has deposited pursuant to the order passed in M.P.No.1 of 2009 in A.S.No.1065 of 2009 in the account of O.S.No.4674 of 2005 towards the decree amount along with the interest of the same that has been accrued.

2. The learned counsel for the respondents/plaintiffs present before this Court and submitted that the money deposited in the suit account, in compliance of the conditions imposed by this Court while granting the interim Stay of decree, may be ordered to be paid to the plaintiff or his counsel on record towards part satisfaction of the decree amount.

3. Considering the representation and the prayer sought in the



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C.M.P.No.8116 of 2022, this Court hereby directs the City Civil Court to withdraw the sum of Rs.3,60,000/- from the suit account in O.S.No.4679 of 2005, which is deposited under receipt No.66 dated 17.06.2010, along with accrued interest and to pay the same to the plaintiffs or their counsel.

4. The learned counsel for the appellant/Mr.N.Paneerselvam submitted that a Demand Draft has been drawn by the appellant for a sum of Rs.10 Lakhs in favour of the first respondent/plaintiff/Mr.P.Anandan and the appellant is ready to settle the dispute amicably by paying further sum of Rs.9 Lakhs towards full quit and satisfaction of the decree passed by the trial Court in O.S.No.4674 of 2009, which was confirmed by High Court in A.S.No.1065 of 2009 dated 28.02.2022.

5. The learned counsel for the respondents after consulting his clients, to report that the plaintiffs are agreeable for the above said terms.

6. Recording the same, the C.M.P.No.8116 of 2022 is disposed of



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with the following directions:

(i) The City Civil Court shall pay the sum of Rs.3,60,000/- deposited in the suit account O.S.No.4674 of 2005 along with the accrued interest, if any to the plaintiff/plaintiff's counsel;

(ii) The appellant/Mr.N.Paneerselvam shall pay a further sum of Rs.9 Lakhs to the plaintiff/plaintiff's counsel within a period of two weeks from the date of receipt of the copy of this order;

(iii) The payment of Rs.10 Lakhs by Demand Draft No.48235519 drawn in favour of first plaintiff/Mr.P.Anandan is hereby recorded.

(iv) On payment of balance Rupees Nine Lakhs, the plaintiff shall give receipt acknowledging full quit and satisfaction of the entire decree amount.

7. With the above directions, this Civil Miscellaneous Petition is disposed of.

28.06.2022

Speaking/Non-speaking order

Index: Yes/No

Internet : Yes/No

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To

The Inspector of Police,
Ammamet Police Station,
Bhavani, Erode



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Dr.G.JAYACHANDRAN.J.,

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