



WEB COPY



A.No.2168 of 2022
in C.S.No.271 of 2012

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N.SESHASAYEE, J.

In a suit for specific performance, this Court has passed a decree vide judgment dated 12.08.2021 and directed the plaintiff to deposit the balance sale consideration within two months from the date of the decree. This decree is now under challenge in O.S.A.No.154 of 2022. In the meantime, the plaintiff has taken out this application for permitting him to deposit the balance sale consideration to the credit of this case.

2.The objection of the defendant is that the plaintiff has not obtained leave of this Court for depositing the balance sale consideration beyond two months as stipulated in the decree.

3.After weighing the rival submissions, this Court merely permits the plaintiff to deposit the balance sale consideration, but the merit of the objection raised by the defendant will be considered at the appropriate stage of the suit. After all, this Court cannot ignore the fact that the decree passed by the Court is now under the challenge in O.S.A.No.154 of 2022 and anything that is done will be

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subject to the outcome of the O.S.A. and the present objection will gain relevance only in the eventuality of the Division Bench of this Court confirming the decree passed in the suit. Hence this Court has chosen to keep alive the objection of the defendant in this case.

4. Subject to what is herein above stated, the plaintiff is permitted to deposit the balance sale consideration to the credit of the Suit on or before 31.12.2022.

19.12.2022

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Note: Office is directed to issue order copy today

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