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A.No.4652 of 2021
in
C.S. No.616 of 2011

V.BHAVANI SUBBAROYAN., J.

This application has been filed to order payment out of the deposit a sum of Rs.2,34,417.53 (Rupees Two Lakhs Thirty Four Thousand and Seventeen and Fifty Three paise Only) with accrued interest if any from the deposit amount of Rs.20,92,281/- (Rupees Twenty Lakhs Ninety Two Thousand Two Hundred and Eighty One Only) lying in the suit account in C.S. No.616 of 2011 and issue Cheque or Demand Draft or any other instrument in favour of the applicant, for a sum of Rs.2,34,417.53 (Rupees Two Lakhs Thirty Four Thousand and Seventeen and Fifty Three paise Only) with accrued interest if any.

2. The learned counsel for the applicant would submit that this Court by its order dated 06.06.2019 in C.S. No.616 of 2011 and C.S. No.700 of 2011 passed a preliminary decree in terms of the Memorandum of Compromise entered into between the parties. During the pendency of the suit, the Advocate Receiver was appointed and thereafter, it was



modified and party-receivers were appointed. They have collected the rents from the tenants in the immovable property. The rents collected by the party-receiver have already been disbursed to the parties. The amount collected and deposited by the Advocate Receiver is Rs.20,92,281/-.

3. It has been further submitted that as per the terms of the said preliminary Decree, the parties are entitled to the following sum as their share and entitlement out of the above amount of Rs.20,92,281/- deposited by the Advocate Receiver.

<i>Sl. No.</i>	<i>Name</i>	<i>Total Rent Share in Rs.</i>
1	A. Chamundeeswari	177843.88
2	V. Kumar	418456.20
3	S.Vasanthi	240612.30
4	S. Lalitha	209228.10
5	S.Chittibabu	110890.90
6	R.S.Ravi	110890.90
7	S. Sivakumar	110890.90
8	B. Usha	110890.90
9	U. Shanthi	110890.90
10	B.Vijyalakshmi	110890.90
11	S. Vijayalakshmi	95198.78
12	S.K.Srinivasan	95198.78



<i>Sl. No.</i>	<i>Name</i>	<i>Total Rent Share in Rs.</i>
13	S. Sowmithran	95198.78
14	R. Dheepak	95198.78
	Total	20,92,281.00

In view of the aforesaid statement, the applicant is entitled to a sum of Rs.1,10,890.90 as per Preliminary Decree out of the total deposit amount.

3. It has been further submitted that as per Item -2 of schedule D of the said preliminary decree the total arrears payable by Mr.S.Chittibabu, Mr. R.S. Ravi and Mr. S. Sivakumar to the other parties is a sum of Rs.16,09,056.41 as per the details given below:

<i>Sl. No</i>	<i>Name</i>	<i>Rent Share in Rs.</i>	<i>Rent Paid till date in Rs.</i>	<i>Total Rent arrears in Rs.</i>
1	A. Chamundeeswari	4,80,539.50	3,45,662.00	1,34,877.50
2	V. Kumar	4,80,539.50	3,45,662.00	1,34,877.50
3	S. Vasanthi	4,80,539.50	3,45,662.00	1,34,877.50
4	S. Lalitha	4,80,539.50	3,45,662.00	1,34,877.50
5	B. Usha	1,74,741.63	51,215.00	1,23,526.63
6	U. Shanthi	1,74,741.63	51,215.00	1,23,526.63
7	B. Vijayalakshmi	1,74,741.63	51,215.00	1,23,526.63
8	S. Vijyalakshmi	1,74,741.63	0.00	1,74,741.63
9	S. K. Srinivasan	1,74,741.63	0.00	1,74,741.63
10	S. Sowmithiran	1,74,741.63	0.00	1,74,741.63



<i>Sl. No</i>	<i>Name</i>	<i>Rent Share in Rs.</i>	<i>Rent Paid till date in Rs.</i>	<i>Total Rent arrears in Rs.</i>
11	R. Dheepak	1,74,741.63	0.00	1,74,741.63
	Total	31,45,349.41	15,36,293,.00	16,09,056.41

As per the aforesaid Statement, the applicant is entitled to a sum of Rs.1,23,526.63 as per preliminary Decree from the above total arrears payable by Mr. S. Chittibabu, Mr. R.S. Ravi and Mr.S. Siva Kumar who are the respondents/defendants 2 to 4.

4. The learned counsel for the applicant would further submit that in A. No.3065 of 2021 filed by the aforesaid respondents, it was agreed that the applicant's share of the arrears sum of Rs.1,23,526.63 in the following manner.

a. Rs.1,10,890.91 from the share entitlement of the 3rd respondent Mr. R.S. Ravi from the above amount of Rs.20,92,281/- deposited by the Court Receiver.

b. Rs.6,317.86 from the share entitlement of the 2nd respondent Mr. S. Chittibabu from the above amount of Rs.20,92,281/- deposited by the Court Receiver.



c. Rs.6,317.86 from the share entitlement of the 4th respondent Mr.

S. Sivakumar from the above amount of Rs.20,92,281/- deposited by the Court Receiver.

5. Pursuant to the aforesaid pay out, the applicant is entitled for the above arrears sum of Rs.1,23,526.63 together with the applicant's share of arrears being a sum of Rs.1,10,890.90/- both aggregating to a sum of Rs.2,34,417.53 together with accrued interest, from the above deposit made by the Advocate Receiver. This has been categorically held by this Court in Paragraph No.14 of the said preliminary Decree dated 06.06.2019. Hence this Court may be pleased to order for payment out of the deposit a sum of Rs.2,34,417.53 with accrued interest if any from the deposit amount of Rs.20,92,281/- lying in the suit account in C.S. No.616 of 2011 and issue Cheque and Demand Draft or any other instrument in favour of the applicant.

6. The learned counsel for the respondents other than for Mr.R.S. Ravi/defendant, has not objected for the same.



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7. The said counsel would submit that he is not a party to the agreement of compromise entered and he need not pay the amount as claimed.

8. Having considered the facts and circumstances of the case and submissions made by the learned counsel on either side and taking taking into account the earlier order dated 26.10.2021, in A.No.3065 of 2021 filed by the other respondents which has not been challenged by Mr.R.S. Ravi/defendant, passed by this Court, this application is ordered as prayed for. The Registry is directed to issue a cheque in the name of the applicant accordingly.

9. The application is allowed as indicated above.

24.03.2022

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in
C.S. No.616 of 2011