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CRP No.3463 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2022

CORAM

THE HON'BLE Mr.JUSTICE S.SOUNTHAR

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K.N.S.Shivram

Rep. By his Authorised Power of Attorney Agent

Mrs.S.Kalaivani

..Petitioner /
Petitioner

Prayer :- Civil Revision Petition filed under Article 227 of Constitution of India to call for the records and set aside the order passed in I.A.No.14 of 2022 in HMGOP No.3 of 2019 by the learned District and Sessions Judge, II, Kancheepuram on 29.08.2022 and allow the Civil Revision Petition.

For Petitioner : Mr.C.P.Hemkumar
for M/s.Ganesh and Ganesh

ORDER

This Civil Revision Petition is filed by the revision petitioner challenging the order passed by the District and Sessions



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Judge II, Kancheepuram, dismissing the petition seeking payment out of the sale proceeds lying in Court deposit.

2. Heard the learned counsel for the petitioner and perused the records.

3. It is seen that by virtue of order dated 19.03.2019 passed in HMGOP No.3 of 2019 permission of the Court was granted to the guardian of the petitioner to sell the property of the petitioner, when he was minor for a Sale consideration of Rs.51,02,000/- and thereafter, sale proceeds were deposited before the Court on 13.11.2020. Now, the petitioner attained majority on 07.10.2021 and filed the instant application seeking payment out. The Court below dismissed the petition mainly on the ground that the petitioner was represented by power agent before the Court below and he failed to appear before the Court on video conferencing. The Court below further observed that though it was stated that the petitioner was studying at Canada, no documents had been



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produced by the petitioner to substantiate his claim that he was studying at Canada and on these grounds payment out petition had been dismissed.

4. The learned counsel for the petitioner submitted that the petitioner is ready to appear before the Court below in video conferencing and he is also ready to produce documents to substantiate his claim that he is studying at Canada.

5. In view of the submission made by the learned counsel for the petitioner, this Court feels that it would be appropriate to give an opportunity to the petitioner to appear before the Court below by video conferencing and produce necessary documents to substantiate his claim that he is studying at Canada. Accordingly, Civil Revision Petition is allowed by setting aside the order dated 29.08.2022 passed in I.A.No.14 of 2022 in HMGOP 3 of 2019 and the matter is remanded back to the file of District and Sessions Court II, Kancheepuram for fresh consideration. The petitioner is directed to



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comply with the directions of the Court below to appear before it through video conferencing and file appropriate document to substantiate his claim that he is studying in Canada. No costs.

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S.SOUNTHAR.,J

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