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C.M.P. No. 19664 of 2022

and

C.R.P.No.1989 of 2015

T.V.THAMILSELVI, J.

This Civil Miscellaneous Petition has been filed seeking to modify the earlier order passed by this Court dated 05.06.2015 in M.P.No.1 of 2015 in C.R.P. No.1989 of 2015.

2. At the time of admission, there was a condition implied on the pet to deposit a sum of Rs.6,00,000/- to the credit of C.M.A. (CS) No.4 of 2009 on the file of Principal District Court, (Cooperative Tribunal), Salem within eight weeks. To modify the said condition, the present petition has been filed.

3. The learned counsel for Revision Petitioner would submit that the total liability fixed on three persons and total liability of amount is Rs.30 lakhs. However, subsequent to the filing of C.R.P., the property belongs to this petitioner situated at Dharapuram in Survey No. 266/5B1 with an extent of 1200 sq.ft. brought for sale in the surcharge proceedings and to that effect, a notice was also issued on 27.10.2022 and the date is fixed for



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sale is on 30.11.2022. Hence, considering the subsequent development, he prayed to modify the condition.

4. On perusal of notice in Form – 9, it reflects that the 2nd respondent is taking steps to auction the property belongs to the petitioner. Therefore, considering the fact that now the petitioner is under suspension and without any source of income, this Court is inclined to modify the condition directing the petitioner to deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) to the credit of C.M.A. (C.S.) No. 4 of 2009 on the file of Principal District Court, (Cooperative Tribunal), Salem within a week from the date of receipt of copy of this order.

5. Post the matter to report about auction proceedings on 01.12.2022.

23.11.2022

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N.B. : Issue order copy on 24.11.2022



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