



WEB COPY



CRP.No.3738 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.3738 of 2019

Noorjan

... Petitioner

Vs.

1.Tamilnadu Grama Bank,
(Pallavan Grama Bank),
(Formerly Adhiyamman Grama Bank),
Irudhukotta Branch,
Denkanikotta Taluk,
Rep. by its present Branch Manager

2.Mehaboob Sheriff

... Respondents

PRAYER: Civil Revision petition is filed under Article 227 of the Constitution of India praying to set aside the docket order passed in unnumbered REA.No. of 2019 in EP.No.64 of 2003 in OS.No.136 of 1999 dated 26.08.2019 on the file of the Sub Court at Hosur and consequently direct the court below to pay a sum of Rs.1,74,684/- to the petitioner by allowing the present civil revision petition.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.S.R.Vanmathi
for Mr.T.Sundar Rajan

ORDER

This civil revision petition has been filed to set aside the docket order passed in unnumbered REA.No. of 2019 in EP.No.64 of 2003 in



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OS.No.136 of 1999 dated 26.08.2019 on the file of the Sub Court at Hosur, thereby rejected the petition filed for transfer of balance amount in favour of the petitioner.

2. Heard, the learned counsel for the petitioner and the learned counsel for the first respondent.

3. The petitioner is the judgment debtor in REP.No.64 of 2003. The first respondent is the judgment holder. The first respondent brought the suit property for court auction sale. The said auction was conducted after part payment before the execution court. Thereafter the property was sold for a sum of Rs.7,01,000/- which was also deposited by the court auction purchaser. Subsequently as directed by this Court in CRP.NPD.No.3426 of 2014, the petitioner deposited further sum of Rs.3,50,000/-. Thereafter the matter has been compromised between the parties and as per the compromise, recorded in CRP.NPD.No.3426 of 2014, the petitioner paid a sum of Rs.3,33,240/- directly to the first respondent herein. The remaining amount of Rs.3,50,000/- which was already deposited before the trial court was permitted to be withdrawn by the bank. The remaining amount of Rs.1,74,689/- is lying with the court below. Therefore, the petitioner filed petition seeking permission to withdraw the said



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amount. Though the first respondent had no objection, the trial court without even numbering the application, rejected the claim of the petitioner and allowed to withdraw only the accrued interest alone to the tune of Rs.36,744/- for the amount which was already deposited by the petitioner to the tune of Rs.3,50,000/-.

4. The learned counsel for the first respondent also submitted that the first respondent has no objection to receive the same since already compromised the matter and received the entire decree amount.

5. In view of the above, the trial court i.e. Sub Court at Hosur is directed to disburse the amount of Rs.1,74,689/- along with interest, if any, to the petitioner on verifying the petitioner's identity on production of this order. Accordingly, this civil revision petition is allowed. No costs.

16.12.2022

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

lok

G.K.ILANTHIRAIYAN, J.



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To

- 1.The Sub Court at Hosur
- 2.Branch Manager,
Tamilnadu Grama Bank,
(Pallavan Grama Bank),
(Formerly Adhiyamman Grama Bank),
Irudhukotta Branch,
Denkanikotta Taluk,

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