



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Twenty Sixth day of April Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.3697 of 2022

in

S.A.No.75 of 2004

1. E.RAMACHANDRAN
2. T.KANAGARAJ

... PETITIONERS/RESPONDENTS

Vs

C.KANDASWAMY (DIED)

1. K.S.GAYATHRI
2. K.SARAVANA SELVAN
3. K.KARTHIGA
4. K.KASTHURI
5. K.GAUTHAMI

... RESPONDENTS/LRs OF DECEASED
APPELLANT C.KANDASWAMY

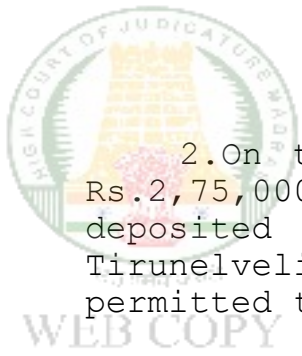
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the 1st petitioner to withdraw Bank deposit of Rs.2,75,000/- and the interest accrued thereon and the amount is held in State Bank of India, Tirunelveli Branch.

PRAYER IN S.A.No.75 of 2004 :

Prefers this Memorandum of Second Appeal against the Judgment and Decree in A.S.No.46/2003 on the file of the District Judge, Kanyakumari District, Nagercoil, dated 03.02.2004, in modifying the Judgment and Decree in O.S.No.74/2001 on the file of the 2nd Additional Sub-Judge, Nagercoil, dated 18.03.2003.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.SREEKUMARAN NAIR, Advocate for the petitioners and of MR.K.P.NARAYANAN KUMAR, Advocate on behalf of the Respondents, the court made the following order:-

The petitioner has filed this petition to withdraw the bank deposit of Rs.2,75,000/-. A perusal of the petition reveals that no particulars as to the deposit is given in the petition. The case particulars, Court particulars were not mentioned. Hence, for ~~fulfilling an amendment~~ petition, call on 15.06.2022.



2. On the side of the petitioner, it is stated that a sum of Rs.2,75,000/- (Rupees Two Lakhs Seventy Five Thousand only) was deposited by the respondent before the Subordinate Court, Tirunelveli in E.P.No.36 of 2004 and the petitioner has to be permitted to withdraw the amount with accrued interest.

3. On the side of the respondent, a memo is filed to that effect. The respondent has no objection in the petitioner withdrawing the said amount. It is stated that the matter is likely to be settled.

4. Hence, this C.M.P.(MD) No.3697 of 2022 stands allowed. The petitioner is permitted to withdraw the amount of Rs.2,75,000/- (Rupees Two Lakhs Seventy Five Thousand only) with accrued interest, deposited before the Subordinate Court, Tirunelveli in E.P.No.36 of 2004.

sd/-
26/04/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE DISTRICT JUDGE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
2. THE 2ND ADDITIONAL SUBORDINATE JUDGE,
NAGERCOIL.
3. THE SUBORDINATE JUDGE,
TIRUNELVELI.

ORDER
IN
CMP(MD) No.3697 of 2022 in
S.A.No.75 of 2004
Date :26/04/2022

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USK/PN/SAR-IV/09.05.2022/2P/4C