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A.No.749 of 2023
in
O.P.No.886 of 2016

KRISHNAN RAMASAMY, J.

The learned counsel appearing for the applicant would submit that as against the order passed in O.P.No.886 of 2016, the petitioner has preferred an intra-court appeal in O.S.A.No.324 of 2021 along with stay petition. A Division Bench of this Court, vide order dated 07.12.2021 in C.M.P.No.19225 of 2021 granted interim stay, directing the appellant / respondent herein to deposit a sum of Rs.10,00,000/- to the credit of O.P.No.886 of 2021. Pursuant to the same, the respondent has also deposited the said amount.

2. Therefore, the present application has been filed seeking for withdrawal of the said amount and directing the Registry to pay applicant herein the said sum of Rs.10,00,000/- lying in the credit of O.P.No.886 of 2016, which was deposited by the respondent before the Registry on 07.01.2022, as per the directions issued by the Division Bench.



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3.The learned counsel appearing for the applicant herein would submit that in the event the respondent herein succeeds in the OSA, the applicant / respondent in O.P.No.886 of 2016 undertake to re-deposit the same within a period of seven days from the date of pronouncement of the judgment by the Division Bench.

4.Mr.Aravind Subramaniam, learned Senior Counsel appearing for the respondent would submit that the applicant may be permitted to withdraw, but they shall deposit the same within seven days from the date of pronouncement of the judgment in OSA by the Division Bench in the event of the respondent herein / appellant succeeding in the OSA. In this regard, the applicant filed an affidavit on 21.02.2023. The same shall form part of the record.

5.In view of the above, this application is allowed and the applicant herein is permitted to withdraw the said sum of Rs.10,00,000/- along with interest, if any accrued as on today, within a period of two weeks from the date of receipt of a copy of this order.



WEB COPY 6. Registry is directed to pay the said amount to the applicant within a period of two weeks from the date of receipt of a copy of this order.

15.03.2023

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