



A.No.817 of 2022
in C.S.No.364 of 2012

R.N.MANJULA, J.

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This application has been filed by the applicant / decree holder for allowing the decree holder to deposit the balance sale consideration of Rs.86,00,000/- and for directing the defendant to execute the sale deed in favour of the plaintiff. The said application was opposed by the respondent / defendant by stating that he has preferred an appeal in O.S.A.No.234 of 2022 over the decree granted in favour of the plaintiff in C.S.No.364 of 2012. However no stay granted in the said appeal preferred by the respondent / defendant.

2. Since the respondent / defendant did not furnish his bank details to receive the balance sale consideration, it is understood that the applicant had deposited the balance sale consideration in the Court. However the direction now sought by the plaintiff is a relief which the decree holder / plaintiff can avail only by way of filing an execution petition. Since the Appeal preferred by the respondent / defendant is still pending and no stay is granted, the decree holder is at liberty to file an Execution Petition to execute the decree and get the sale deed executed either by the judgment debtor / defendant or through Court.

3. With the above observation, the application is closed.

12.06.2023

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