



C.M.P.No.6308 of 2023 in C.R.P.No.279 of 2021

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WEB CO **SATHI KUMAR SUKUMARA KURUP, J.,**

This Civil Miscellaneous Petition is filed to issue a direction to the learned Principal District Judge, Chengalpattu, to permit the Petitioner herein to withdraw the amount of Rs.1,47,23,200/- (Rupees One Crore Forty Seven Lakhs Twenty Three Thousand And Two Hundred Only) with interest that was deposited by the Petitioner to the credit of E.P.No.121 of 2012 and to return the Court fee stamps for the value of Rs.4,12,860/- (Rupees Four Lakhs Twelve Thousand Eight Hundred and Sixty Only) filed by the Petitioner.

2.The learned Counsel for the Petitioner in C.M.P.No.6308 of 2023 in C.R.P.No.279 of 2021 contended that he had been the successful bidder in the auction conducted by the Court below. On the date of the auction, he had deposited Rs.14,87,170/- (Rupees Fourteen Lakhs Eighty Seven Thousand One Hundred and Seventy Only). Subsequently, the entire sale consideration as per the highest bid was deposited before the Executing Court. The Petitioner in the Execution Petition had approached this Court in C.R.P.Nos.4714 and 4715 of 2017, in which, there was a stay and direction



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to the Executing Court to adjudicate the points raised by the Revision Petitioner in C.R.P.Nos.4714 and 4715 of 2017. Due to this order, the Auction Purchaser was unable to take delivery of the property and this amount had been in the Court deposit for all these years nearly five years. Therefore, he seeks a direction from this Court to the learned Principal District Judge, Chengalpattu, to release the amount deposited by him on 21.03.2018 towards the balance auction amount before the Court below.

3.The learned Counsel for the Revision Petitioner and the learned Counsel for the Respondents have no objections regarding the same.

4.In the light of the above, the Civil Miscellaneous Petition C.M.P.No.6308 of 2023 in C.R.P.No.279 of 2021 filed by the Auction Purchaser is allowed. This Court directs the learned Principal District Judge, Chengalpattu, to permit the Petitioner/Auction Purchaser to withdraw the amount of Rs.1,47,23,200/- along with interest, from the Court deposit. Also the learned Principal District Judge, Chengalpattu, is directed to refund the Court fee minus the commission as per the Rules to the Auction



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Purchaser within a reasonable period of one month from the date of this order.

5.At the same time, since the parties to the dispute are before this Court, the Respondents in the Civil Revision Petitions are directed not to proceed with the sale of the property till the Civil Revision Petitions are disposed of.

6.The case is adjourned to 27.03.2023.

20.03.2023

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Internet : Yes

Note: Issue Copy on 20.03.2023



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