



A.Nos.1913 & 1914 of 2023
in C.S. No.561 & 562 of 2002

A.Nos.1913 & 1914 of 2023
in C.S. Nos.561 & 562 of 2002

R.N.MANJULA,J.

These applications have been filed to order payment out of Rs.4,69,000/- and Rs.4,71,000/- to the petitioners which is lying to the credit of C.S.Nos.561 & 562 of 2022 respectively.

2. Publication effected as directed in order dated 06.06.2023 and copies of the publication has also been filed.

3. The applicants are the legal heirs of the first defendant. The suits have been filed by the plaintiff for specific performance and it has been decreed.

4. The learned counsel for the applicants submitted that after the suit in C.S.Nos.561 and 562 of 2002 are decreed, the plaintiff in both the suits have deposited the balance sale consideration to the tune of Rs.4,69,000/- and Rs.4,71,000/- to the credit of respective suit; the suits have been decreed with the consent given by the second defendant who is also a joint owner along with the first defendant for the suit property; since the first defendant who contested the suit had not chosen to receive the sale consideration which is due to him,



A.Nos.1913 & 1914 of 2023
in C.S. No.561 & 562 of 2002

the said amount has been deposited to the credit of C.S.Nos.561 & 562 of 2002; since the first defendant is no more, his legal heirs who are the applicants herein have filed this application.

5. The first applicant is the wife of the deceased first defendant and the second and third applicants are the children of the deceased first defendant. The death certificate of the first defendant and his legal heir certificate have also been produced and perused. Since the amount to the tune of Rs.4,69,000/- and Rs.4,71,000/- have been deposited by the decree holder / plaintiff to the credit of C.S.Nos.561 & 562 /2002 to be paid to the first defendant as his share in the sale consideration and the first defendant has not chosen to receive the same till his lifetime and died intestate, his legal heirs who are the applicants herein are entitled to receive the said amount.

6. Hence the applications are allowed and the said amount can be disbursed to the applicants in-person on verifying the genuineness of the legal heir certificate and death certificate of the deceased first defendant produced by them.

14.06.2023

bkn



WEB COPY



A.Nos.1913 & 1914 of 2023
in C.S. No.561 & 562 of 2002

R.N.MANJULA, J.

bkn

A.Nos.1913 & 1914 of 2023
in C.S. Nos.561 & 562 of 2002

14.06.2023