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W.M.P.No.9782 of 2023

W.M.P.No.9782 of 2023
in
W.P.No.33437 of 2022

ABDUL QUDDHOSE, J.

This Court is not satisfied with the reasons given by the petitioner for modifying the earlier order dated 30.01.2023 passed by this Court in W.P.No.33437 of 2022 for the following reasons:

a) The present counsel is a new counsel on record. The learned counsel for the respondent is also present. Only after recording the undertaking given by the learned counsel for the petitioner, Mr.D.Sahithya, who was the representing counsel for the earlier counsel on record, that the petitioner shall pay the respondent the demanded amount of Rs.5,09,176/- in three equal monthly installments and after taking note of the financial difficulty of the petitioner School, this Court directed the petitioner to pay the respondent the sum of Rs.5,09,176/- in three equal monthly installments commencing from March 2023, on or before 5th of every english calendar month without committing any default.



W.M.P.No.9782 of 2023

WEB COPY

b) The earlier counsel on record is not before this Court today. Mr.D.Sahithya is also not before this Court today. The petitioner has also not filed any supporting affidavit from Mr.D.Sahithya, who had represented the case on behalf of the earlier counsel on record on 30.01.2023 supporting the case of the petitioner, as stated in this modification application.

c) Only after giving due consideration to the fact that the petitioner is a School and is having financial difficulty to pay the entire demanded amount in one shot and that too only after recording the undertaking given by the petitioner through their earlier counsel on record and based on the representation made by Mr.D.Sahithya, the representing counsel for the counsel on record for the petitioner, this Court had permitted the petitioner to pay the demanded amount of Rs.5,09,176/- in three equal monthly installments commencing from March 2023, on or before 5th of every english calendar month.

d) The petitioner cannot blame its earlier counsel on record or the representing counsel Mr.D.Sahithya, who represented the case of the petitioner on 30.01.2023, without any proof and without any supporting



W.M.P.No.9782 of 2023

WEB COPY

affidavit or any documentary evidence.

2. For the foregoing reasons, this Court has to necessarily dismiss this modification application. Accordingly, this Writ Miscellaneous Petition is dismissed.

03.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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W.M.P.No.9782 of 2023

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