



WEB COPY



C.M.P.No.13862 of 2023  
in  
O.S.A.No.264 of 2018

**C.M.P.No.13862 of 2023**  
**in**  
**O.S.A.No.264 of 2018**

**R.MAHADEVAN, J.**  
**and**  
**T.V.THAMILSELVI, J.**

[Order of the Court was made by T.V.THAMILSELVI, J.,]

This petition has been filed to direct the 4 th respondent Bank to pay the present petitioner the proceeds of the Fixed Deposit Nos.744827321, 744826995, 744827401, 874564188, 914336625 and 6214651016 for a sum of Rs.35,18,880/- along with interest accrued thereon.

2. Heard, Mr.M.V.Swaroop, learned counsel for the petitioner and Mr.Srinath Sridevan learned counsel for the respondents 1 to 3 and Mr.Akil Akbar Ali learned counsel on the side of the 4th respondent / Bank and perused the materials available on record.

3. The petitioner/ plaintiff has filed C.S.No.601 of 2009 for recovery of sum of Rs.35 lakhs with interest from the respondents 1 to 3. The suit was decreed on merits after full contest in favour of the plaintiff against which, the respondents 1 to 3 have preferred O.S.A.No.264 of 2018. During the pendency of the Suit, by order dated 23.11.2010 in Application No.3233 of 2009 in C.S.No.601 of 2009,



C.M.P.No.13862 of 2018  
in O.S.A.No.264 of 2018

amount. Accordingly, they created Fixed Deposit Nos.744827321, 744826995, 744827401, 874564188, 914336625 and 6214651016 with Indian Bank on different dates for a consolidated sum of Rs.35,18,880 /- and based on that, Bank Guarantee was created and the same is in the continuous custody of the Registrar General of this Court.

4. The learned counsel for the petitioner submitted that O.S.A.No.264 of 2018 was dismissed on 06.01.2022 by this Court, and further, the rate of interest was reduced from 18% to 9%, thereby the appellant / plaintiff is entitled to receive the entire principal amount with interest. So as to realise the fruits of the decree, the proceeds of the Fixed Deposits substantially created to satisfy the decree passed by this Court in C.S.No.601 of 2009, are directed to be paid to him. Therefore, the petitioner filed this petition to direct the 4th respondent / Bank to repay the Fixed Deposits along with accrued interest.

5. The learned counsel for the respondents have not raised any objection and they are ready to comply with the order passed by this Court. Therefore, as per the Judgement in O.S.A.No.264 of 2018, this petitioner/plaintiff is entitled for the suit claim with accrued interest at 9% and as per the direction of this Court, already principal amount was deposited in the Indian Bank under Fixed Deposits and the Bank Guarantee for the same is now under the custody of the Registrar



C.M.P.No.13862 of 2018  
in O.S.A.No.264 of 2018

General of this Court. Therefore, to satisfy the suit claim, the present petitioner is entitled for the proceeds of Fixed Deposits with accrued interest. The relief claimed by the petitioner is therefore allowed as prayed for.

6. Accordingly, this Civil Miscellaneous petition is allowed. The 4th respondent / Bank is directed to pay the proceeds of the Fixed Deposit Nos.744827321, 744826995, 744827401, 874564188, 914336625 and 6214651016 for a sum of Rs.35,18,880/- along with interest accrued, to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

(R.M.D., J)

(T.V.T.S., J)

14.07.2023

(½)

*rrr*



WEB COPY



C.M.P.No.13862 of 2023  
in O.S.A.No.264 of 2018

**R.MAHADEVAN, J.  
and  
T.V.THAMILSELVI, J.**

*rri*

**C.M.P.No.13862 of 2023  
in  
O.S.A.No.264 of 2018**

**Dated:14.07.2023**