



APPLICATION NO.5084 OF 2023
IN C.S.NO.256 OF 2018

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N.SATHISH KUMAR, J.

This application has been filed by the applicant / third party seeking order payment out of the sum of Rs.1,52,55,000/- (Rupees One Crore Fifty Two Lakhs Fifty Five Thousand Only) being deposited by the applicant before this Court, in the sale process ordered by this Court, which is lying to the credit of C.S.No.256 of 2018.

2.Heard the submissions made on either side and perused the materials available on record.

3.It is fairly submitted by the learned counsel on either side that the sale has not been concluded and the Advocate Commissioner originally appointed by this Court in this regard has also changed and a new Advocate Commissioner has been appointed. Further, both sides admitted that the applicant has deposited the aforesaid amount and hence, they have no objection for allowing this application.



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4.In the Fund Certificate given by the Registry dated 22.06.2023, it is stated that a sum of Rs.1,52,55,000/- (Rupees One Crore Fifty Two Lakhs Fifty Five Thousand Only) is now lying in the credit of C.S.No.256 of 2018, as Court deposit, which bears no interest.

5.Considering the above, as none of the parties have objected for allowing this application and also the fact that the sale has not been concluded in favour of the applicant, the amount of Rs.1,52,55,000/- (Rupees One Crore Fifty Two Lakhs Fifty Five Thousand Only) is ordered to be refunded to the applicant herein. The Registry is directed to issue a cheque for the said amount in the name of the applicant.

6.In fine, this application is ordered as prayed for.

7.Post the Civil Suit on 15.11.2023.

11.10.2023

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11.10.2023