



A.Nos.5828 & 5829 of 2023
in E.P.No.57 of 2022

N.SATHISH KUMAR.J.,

Application in A.No.5828 of 2023 seeking enlargement of time for 82 days to accept the demand draft bearing No.500345 dated 24.07.2023 drawn on ICICI Bank, Nungambakkam Branch for Rs.1,10,00,000/- already submitted before the Registry on 24.07.2023 while application in A.No.5829 of 2023 has been filed seeking enlargement of time to accept the demand draft bearing No.500356 dated 31.08.2023 drawn on ICICI Bank, Nungambakkam Branch towards the balance of sale price of Rs.20,43,125/-

2. Heard both sides.

3. The learned counsel for the decree-holder, on instructions from his client, submitted that the decree-holder will have no objection, in the event, if the petitions are ordered.

4. The judgement debtors have not contested the Execution Petition.

5. Placing reliance heavily upon a judgement of a Division Bench of this Court in the case of Gowri Ammal v. Murugan [2006 (3) CTC 418], the learned counsel for the applicant would submit that Section 148 of CPC confers ample



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discretionary powers regarding enlargement of time and in order to administer justice, the process of rigours of procedural law will have to be loosened and substantive justice should be administered and not procedural justice.

6. Considering the fact that out of total sale price, for a sum of Rs.1,10,00,000/- demand draft was taken as early as on 24.07.2023 and for the balance of sale price of Rs.20,43,125/- also demand draft has already been drawn on 31.08.2023 and also the other facts and circumstances of the case, these applications are ordered. The applicant shall present the demand drafts which he had already taken in the Registry in accordance with the procedure therefor provided in the rules. On such presentation of the demand drafts, the Registry is directed to accept the demand draft and proceed with further as per rules.

07..11..2023

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