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C.M.P.Nos.4350 of 2024 & 19545 of 2023

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in
A.S.No.580 of 2023

RMT.TEEKAA RAMAN, J.

Appeal has been filed by the Tenant. The Respondent/Plaintiff has filed a suit for recovery of possession by way of mandatory injunction order and for arrears of rent, for damages for use and occupation.

2.After trial, the Suit was decreed and payment of arrears of rent was fixed as Rs.7,94,828/- by order dated 21.11.2022.

3.By earlier order dated 27.09.2023, this Court has granted stay on condition that the Petitioner/Appellant has to deposit 50% of the amount. The same is said to have been deposited to the credit of O.S.No.683 of 2020 on the file of XVII Additional District and Sessions Court, Chennai on 18.10.2023.

4.Now that the Plaintiff in the suit (Respondent in the Appeal) has filed CMP.No.4350 of 2024 for payment out. Calculation memo was filed.



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As per the Suit claim, the Suit was filed for a sum of Rs.10,94,828/-. The trial Court had deducted Rs.3,00,000/- towards advance and ordered decree to the extent of Rs.7,94,828/-. Admittedly, Appellant/Defendant is in possession of the property and continuous to be in possession of the property as a tenant. As per the earlier order made in CMP.No.19545 of 2023 he was directed to deposit 50%, the second portion of calculation filed by the Respondent/Plaintiff is without GST deduction is the grievance of the Petitioner. Now considering that the conditional order has been complied with, I am inclined to allow the payment out petition subject to following conditions.

5.Accordingly CMP.No.4350 of 2024 is ordered on the following conditions:

i.The Respondent/Plaintiff is permitted to withdraw the amount deposited to the credi of O.S.No.683 of 2020 on the file of XVII Additional District and Sessions Court, Chennai.

ii.In the event of Appeal being allowed, the same may be adjusted towards future rents, since the Appellant/Tenant is



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still in occupation.

iii.If any amount has been paid by way of GST deduction, the said amount will be decided at the time of disposal of main Appeal.

6.In respect of CMP.No.19545 of 2023, the stay already granted by this Court on 27.09.2023 is hereby made absolute.

sai

21.06.2024



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Dated: 21.06.2024