



A.No. 1901 of 2024

And

E.P.No. 56 of 2019

C.V.KARTHIKEYAN, J.

This petition has been filed seeking to extend the time till 30.11.2024 for paying the balance amount of Rs.2,90,00,000/- as per the compromise entered into between the petitioners and the respondent on 13.07.2023.

2. As a matter of fact, the issues between the petitioners and the respondent had moved over to the Division Bench and in an order dated 19.10.2023 finally disposing of the Original Side Appeal, which is O.S.A.(CAD) No. 62 of 2022, taking note of the compromise by which the petitioners had agreed to pay a sum of Rs.4,40,00,000/-, the Division Bench had noted as follows:-

“4. We make it clear that in case of any default to comply with the above undertaking, the respondent is permitted to proceed with the pending Execution Petition before the Master Court.



C.V.KARTHIKEYAN, J.

vsg

5. By granting the above liberty, the OSA stands disposed of. Memo filed by the appellants is taken on record. There will be no order as to costs. Consequently, connected CMP No.7875 of 2022 is closed.”

3. This Court cannot pass any order in direct contravention to the direction of the Division Bench wherein permission was granted to the respondent to proceed with the pending execution petition before the Master Court. The application seeking extension of time therefore cannot be granted by this Court since the Division Bench had directed that the respondent can proceed with the execution petition if there is default in payment. There is default in payment. The respondent therefore have to proceed with the execution petition which is already pending before the learned Master. This Petition therefore stands dismissed.

Vsg

12.04.2024

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