



CRP.No.3088 of 2019

WEB CO **N.SESHASAYEE., J**

This case is listed under the caption 'for being mentioned' at the instance of the learned counsel for the respondents.

2.The learned counsel for the respondents pointed out couple of typographical errors or certain ambiguity in paragraph nos.5 and 14 of the order of this Court dated 30.08.2024. The learned counsel listed the same as below;

- a) In paragraph no.5(c) of the order, in line one, the date on which the appeal was withdrawn was 02.03.1998 and not 03.10.1998.
- b) In paragraph no.14, clause (a) and (b), the date of the trial Court decree was given as 08.01.1991, whereas, it should be 08.10.1991.
- c) Further, it is not indicated whether the rate of interest stipulated in paragraphs 14(a) and 14(b) is for per annum or per month;
- d) The trial Court in its decree has granted three months time for making payment, therefore, the interest may not be awarded for the first three months from the date of the decree of the trial Court.



3. Heard the learned counsel for the revision petitioners.

4. This Court considers all the submissions made by the learned counsel for the petitioner favourably. Accordingly;

- a) In paragraph 5(c), in line one, the date 03.10.1998 is directed to be struck off and in its place the date 02.03.1998 is required to be mentioned;
- b) In paragraph no.14(a) and 14(b), the date of the trial Court decree has to be mentioned as 08.01.1991 instead of 08.10.1991;
- c) In paragraph no.14(a) and 14(b), after the rate of interest (9%) and (6%) as the case may be, the phrase '*per annum*' is directed to be inserted. Further, in both paragraphs 14(a) and 14(b), the interest may be paid only from 09.01.1992. Accordingly, paragraphs 14(a) and 14(b) will read as below;

“14.(a) The decree holders shall deposit the balance sale consideration of Rs.20,000, along with interest at the rate of 9% per annum from 09.01.1992 (from the date of expiry of three



months already stipulated in the decree of the trial Court in O.S.No. 202 of 1988 for deposit of the balance sale consideration by the plaintiff) till the date of payment, into the trial Court;

(b) The Decree holder shall pay interest at the rate of 6% per annum on Rs.2,60 lakhs from 09.01.1992 (from the date of expiry of three months already stipulated in the decree of the trial Court in O.S.No. 202 of 1988 for deposit of the balance sale consideration by the plaintiff), till the date on which the deposit was made before the trial Court;”

5.This Court also chooses to include one more clause to bring in greater clarity to its order and accordingly, inserts clause 14(d) which will read as below;

“Such defendants or their legal heirs as the case may be, to whom the balance sale consideration is directed to be paid by the trial Court in its decree in O.S.No.202 of 1988, alone will be entitled to withdraw the sum directed to be deposited.”



N.SESHASAYEE., J

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6.The Registry is directed to carry out the necessary corrections and repost the corrected order in the official website. If any certified copy has been issued on any of the parties, the Registry is required to issue a fresh certified copy, free of charges.

04.09.2024

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