



WEB COPY



A.Nos.2333 of 2022 & 4997 of 2023
in O.A.Nos.121 & 122 of 2022
in C.S. No.31 of 2022

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C.V.KARTHIKEYAN,J.

These applications have been filed seeking to detain respondents 5, 6, 7, 9, 10, 11, 12 and 13 in civil prison for wilfully violating interim order dated 07.04.2022 in O.A.Nos.121 and 122 of 2022. After that particular order had been passed in aforementioned Original Petitions, much water has flown and there is an observation in A.No.4792 of 2023 by a learned Single Judge of this Court dated 25.08.2023. That application has been filed by the plaintiff for payment out of a sum of Rs.19,48,006/-, which amount had been deposited by R5 to R13 towards rental arrears.

2. It is contended by the learned counsel who appears for the respondents 5, 6, 7, 9, 10, 11, 12 and 13 that the said respondents are depositing the rental amounts into Court. It is for the plaintiff to seek the details of such deposit, verify the same and thereafter seek payment of any arrears amount. But *prima-facie* when amounts have been deposited



into Court, there cannot be any order directing detention of those respondents in civil prison. That order would be exceeding jurisdiction.

3. Learned counsel for the aforementioned respondents, particularly also for the 10th respondent, has with him the key of the premises in which the 10th respondent was in possession and stated that the 10th respondent has vacated and is prepared to handover the key to the learned counsel for the plaintiff, but the learned counsel for the plaintiff has not taken it, and claims that a statement will have to be given with respect to the rental amounts paid. The key for the portion in which the 10th respondent was in possession may be deposited into the Court and plaintiff or the learned counsel for the plaintiff may take it back as and when they please.

4. All these aspects show bonafide on the part of these respondents and since bonafide is established, both these Applications seeking to detain them in civil prison stands **dismissed**. There is an obligation on the plaintiff to return back the advance amount paid by the



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10th respondent and if the same is not paid within a period of four weeks,

10th respondent is permitted to take out appropriate application.

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07.06.2024

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