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C.M.P.No.15883 of 2024
in S.A.No.468 of 2014

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V.LAKSHMINARAYANAN.J.,

The second appeal in S.A.No.468 of 2014 preferred by the petitioners herein, was allowed by this Court on 15.04.2024 vide common judgment in S.A.Nos.411 & 468 of 2014. While allowing the appeal, I directed the appellants/petitioners herein to pay a sum of Rs.40,000/- together with interest at the rate of 18% per annum from 07.06.2005 till the date of repayment.

2. Mr.J.James, learned counsel appearing for the petitioners would submit that vide letter dated 22.04.2024, he had sent a demand draft bearing No.850762064 dated 18.04.2024 for a sum of Rs.1,75,932/- drawn in favour of E.Rathinabai, to Mr.S.Udayakumar, learned counsel appearing for the respondent, in compliance of the said judgment. He would however point out that on 26.04.2024, Mr.S.Udayakumar had returned the said draft stating that he had been instructed by the respondent not to receive the said payment. Therefore, the petitioners had sent the demand draft directly to the last known address of E.Rathinabai, and that too had been returned with an endorsement 'no such addressee'. Therefore, the petitioners have taken out this petition seeking



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permission of the Court to deposit the amount to the credit of the second appeal.

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3. Since the respondent is not ready to receive the amount, it would be appropriate that the petitioners may be permitted to deposit the amount of Rs.1,75,932/- to the credit of the suit itself.

4. Mr.J.James assures that the amount will be deposited before the Sub Court, Tiruttani on or before 09.08.2024.

5. Accordingly, the civil miscellaneous petition is allowed and the petitioners are permitted to deposit the said amount of Rs.1,75,932/- to the credit of the suit in O.S.No.29 of 2010 on the file of Sub Court, Tiruttani, on or before 09.08.2024. Upon receipt of the said amount, the learned Subordinate Judge, Tiruttani is requested to keep the said amount in an interest bearing account.

31.07.2024

ds



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