



A.No.3555 of 2024
in C.S.No.574 of 2010

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P.B.BALAJI, J.

This application has been filed seeking permission to withdraw Rs.12,10,000/- deposited by the 1st respondent towards rent.

2.I have heard Ms.R.Supriya, learned counsel for the applicant and Mr.K.V.Bhashyam Chari, learned counsel for the 1st respondent.

3.The learned counsel for the 1st respondent would invite my attention to similar order passed by this Court on 19.10.2022, where this Court, recording the submissions of the learned counsel for the 1st respondent, has ordered as follows:

“4.The aforesaid contentions of the learned counsel for the first respondent is extracted from paragraph no.13 of his counter affidavit. It is also pertinent herein to refer paragraph no.18 of the counter, wherein, it is stated “without prejudice to the interest of the first defendant, the first defendant submits that keeping in view the pendency of rival suits mentioned supra, filed against the plaintiff herein in respect of suit schedule land, the first defendant has no objection in allowing the plaintiff to withdraw the money lying in the credit of the above suit and also if 34th defendant has got no objection. The first defendant leaves it to the wisdom of this Court whether to allow the plaintiff to withdraw the money lying



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in the credit of above suit in this Hon'ble Court”.

6.The objection raised by the learned counsel for the first respondent that the persons who have not joined the execution of sale agreement may object and make claim against plaintiff and the first defendant is a far fetched claim for the reason that they are not parties before this Court in this case.”

4.Mr.K.V.Bashyam Chari, learned counsel would submit that the present application can be ordered on the same terms.

5.In view of the said fair submission of the learned counsel for the 1st respondent and recording the statement of the 1st respondent that the said payment out shall be without prejudice to the interest of the 1st defendant and considering the fact that there are rival suits pending and in pursuance of not joint execution of the sale agreement may have an objection and make a claim against the plaintiff and also the 1st respondent since they are not parties to the suit, this payment out application is ordered.

24.07.2024

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P.B.BALAJI, J.



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