



A.No.4036 of 2024

in

C.S.No.352 of 2018

SENTHILKUMAR RAMAMOORTHY J.

By this application, the applicant/plaintiff seeks permission to withdraw the sum of Rs.31,10,000/-, which was deposited by the auction purchaser to the credit of the suit. In the mortgage suit, the preliminary decree was issued on 12.09.2018 and the final decree was issued by order dated 27.08.2019 in A.No.5750 of 2019. Pursuant thereto, the mortgaged properties were brought to sale by way of public auction on 15.03.2023. The successful bidder in respect of the second lot had deposited a sum of Rs.31,10,000/-. The sale in favour of the successful auction purchaser was confirmed by order dated 21.08.2023. Since the total proceeds derived from the sale of the suit properties, i.e. a sum of Rs.2,62,10,000/-, is insufficient to satisfy the dues, the applicant/plaintiff seeks permission to withdraw the sum of Rs.31,10,000/-, which is lying to the credit of the suit. It is stated that no appeal is pending against the decree or any other order.



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SENTHILKUMAR RAMAMOORTHY J.

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2. In the facts and circumstances outlined above, this application is liable to be allowed. Consequently, the applicant/plaintiff is permitted to withdraw the sum of Rs.31,10,000/-, which is lying to the credit of the suit as per the certificate of funds placed on record.

12.08.2024

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