



WEB COPY



Application No. 4118 of 202
and
C.S. No. 444 of 2006

Application No. 4118 of 2024
and
C.S. No. 444 of 2006

K.KUMARESH BABU, J.

In spite of notice to the respondent having been duly served, no representation on behalf of the respondent either in person or through counsel.

2. Pending the suit, a sum of Rs.11,01,89,589.04 had been deposited by the fourth defendant pursuant to the orders passed in the applications in the instant suit. The suit was decreed directing the first respondent to pay a sum of Rs. 6.95 crores to the plaintiff together with interest @ 6% per annum from the date of filing the suit.

3. According to the applicant as of today, he is entitled to for a sum of Rs.14,41,84,890/- and therefore, he has taken out this application seeking for payment out of the sum of Rs.11,01,89,589.04, which is lying to the credit of the suit in C.S. No. 444 of 2006 with liberty to proceed against the respondent /first defendant for the balance amount as per the decree dated 30.04.2024.

4. I have considered the submissions made by Mr. T.Saikrishnan for M/s.Ambili Menon, learned counsel for the applicant.

5. A judgment and decree came to be passed in favour of the applicant, wherein he was entitled to recover a sum of Rs.6.95 crores together with interest

@ 6% per annum from the date of plaint till the date of realization. According to

<https://www.mhc.tn.gov.in/judis>

the applicant, presently he is entitled for a sum of Rs.14,41,84,890/-.



WEB COPY



Application No. 4118 of 202
and
C.S. No. 444 of 2006

K.KUMARESH BABU,J.

Maya

6. In spite of notice to the respondent, the respondent had not appeared before this Court. Hence I see no impediment in ordering the application as prayed for.

7. In fine, the applicant is permitted to withdraw the amount lying to the credit of the suit, which had been deposited to a credit of the suit pursuant to the orders made in the applications on 22.12.2021.

8. Registry is directed to effect the bank transfer of the amount lying to the credit of the C.S. No. 444 of 2006 to the bank account No.1219155000001494 maintained with Karur Vysya Bank, Whites Road Branch, Chennai and IFSC Code KVBL0001219 within a period of four weeks from today.

9. With the above directions, the application stands allowed.

18.09.2024

Maya

Application No. 4118 of 2024
and
C.S. No. 444 of 2006