



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Civil Appellate Jurisdiction

Friday, the Thirteenth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP(MD). Nos.721,722 & 724 of 2024

in

A.S.Nos.665,666 Of 2001

&

Tr.A.S.(MD)No.208 of 2020

1. S.Natarajan(Died)

...1st Appellant

2. N.Kannammal

3. N.S.Sivaraj

4. N.Udayakumar

5. N.Valarmathi

6. N.Nagarajan

...Petitioners/Appellants(2-6)

Vs

1.Inbasegaran(Died),

2.Meenakshi

Neethi Mohan

....2nd Respondent in CMP.No.724 of 2024

3.Rajesh

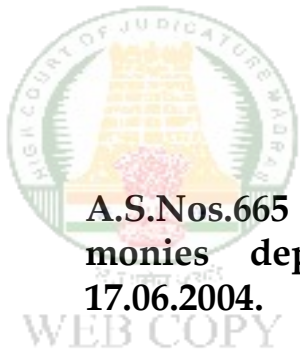
4.Raji

... Respondents 2 to 4/Respondents 2 to 4

Common Prayer in C.M.P.No.721,722,724 of 2024:-

Civil Micellaneous Petition filed under section 151 of Code of Civil Procedure,1908 to clarify the Common Judgment dated 28.06.2023 passed in

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



A.S.Nos.665 and 666 of 2001 and TR.AS(MD) No.208 of 2020 as regards to the monies deposited before this Court on 16.06.1988 and the Trial Court on 17.06.2004.

Common Prayer in A.S.Nos.665,666 Of 2001& Tr.A.S.(MD)No.208 of 2020:-

Appeal Suit filed under Section 96 and Order 41 Rule 1 of the Civil Procedure Code against the judgment and decree made in O.S.No.252 of 1986,O.S.No.3 of 1986,O.S.No.445 of 1985, dated 28.07.2000, on the file of the Second Additional Subordinate Judge,Madurai.

ORDER:- This Civil Micellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.Krishnan, Advocate for the Petitioner and of M/s.Barathan, Government Advocate for the respondents, this Court made the following order:

It is submitted by both sides that in the last sentence at paragraph No.70 of the common judgment dated 28.06.2023 made in A.S.Nos.665, 666 of 2001 & Tr.A.S.(MD)No.208 of 2020, it is stated that “ it is also admitted that the respondent / plaintiff has deposited a sum of Rs.8 lakhs towards construction charges. The respondent / plaintiff is entitled to withdraw that amount with accrued interest from the Court.” According to them, it has to be corrected that the appellants / defendants have deposited a sum of Rs.8 Lakhs towards construction charges. The appellants / defendants are entitled to withdraw that amount with accrued interest from the Court.

2.That apart, it is also stated that with regard to the withdrawal of the balance sale consideration, the order is silent. Hence, seeking clarification, these petitions are filed



3.Mr.J.Barathan, learned counsel for the respondents fairly submitted that a sum of Rs.2,84,220/- (Rupees Two Lakhs Eighty Four Thousand Two Hundred and Twenty Only) has already been deposited and thereafter, pursuant to the order of this Court dated 28.06.2023, a sum of Rs.50 lakhs has also been deposited.

4.In such view of the matter, the appellants / defendants are entitled to withdraw the sale consideration originally deposited to the tune of Rs.2,84,220/- and also a sum of Rs.50 lakhs as deposited pursuant to the order of this Court with accrued interest.

5.In view of such clarification, these Civil Miscellaneous Petitions are disposed of.

Sd/-

Assistant Registrar(CO)

// True Copy //

/10/2024

Sub Assistant Registrar
(CS - I/ II / III /IV)

yuva

TO

**The Second Additional Subordinate Judge,
Madurai.**



Copy to:

**The Section Officer,
V.R Section,
Madurai Bench of Madras High Court,
Madurai.**

1CC TO M/S.M.Dinesh Hari Advocate SR.No.52050.

1CC TO M/S.T.R.Jeyapalam Advocate SR.No.52099.

ORDER DATED : 13/09/2024

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ORDER

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CMP(MD).No.721,722 & 724 of 2024

in

A.S.Nos.665,666 Of 2001

&

Tr.A.S.(MD)No.208 of 2020

**Giving direction and etc.
as stated within.**

MK/21.10.2024 4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023