



Rev.Aplc(MD) No.62 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2024

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Rev.Aplc (MD) No.62 of 2023
in CRP (PD) (MD) No.70 of 2023

S.Rasalam

... Petitioner

Vs.

1. Saul
2. T.Edwin
3. Alwin @ Alaban
4. Godwin
5. Hency Beula

... Respondents

Prayer:- Review Application filed under Section 114 r/w Order 47 Rule 1 of Code of Civil Procedure, to review the order of this Court dated 01.03.2023 made in CRP (PD) (MD) No.70 of 2023 and set aside the same.

For Petitioner : Mr.Rasalam, party-in-person
Mr.D.Sivaraman
Amicus Curiae

For Respondents : Not served (R1)
Mr.M.R.Sreenivasan (for R2, R4 & R5)
Not ready (R3)

ORDER

This Court by order dated 01.03.2023 had dismissed the Civil Revision Petition, in which the petitioner had sought for interest at the



Rev.Aplc(MD) No.62 of 2023

rate of 24%, on the sale amount deposited by him, after the sale was set aside subsequently.

2. This Court found that the interest at 6% awarded by the executing Court i.e., Sub Court, Padmanabhapuram, was reasonable and directed the return of deposit to the petitioner. It appears that the executing Court had held that the deposit which was made on 24.03.2012 for Rs.3,60,000/-, along with interest had come up to Rs.5,32,854/- on 30.04.2019. However, according to the petitioner, the method by which the said amount was arrived is not known and the Statement of Account was not furnished by the executing Court.

3. Therefore, this Court is of the view that the executing Court i.e., Sub Court, Padmanabhapuram, shall furnish the Statement of Account as to how it had arrived and stated in the impugned order that the amount of Rs.3,60,000/- deposited by the Court on 24.03.2012 along with interest had increased to a sum of Rs.5,32,854/- as on 30.04.2019.

4. Except for the above modification, no further orders are required in the review application and the same stands closed. It is open to the



Rev.Aplc(MD) No.62 of 2023

petitioner to move an application to withdraw the admitted amount due to him as on date and challenge the Statement of Account, if he is aggrieved by the same.

5. Since the petitioner was heard as party-in-person, this Court had appointed Mr.D.Sivaraman, learned counsel as *amicus curiae*. This Court records its appreciation for the valuable assistance rendered by Mr.D.Sivarman and for his meticulous preparation, detailed analysis and notes in this review application.

08.11.2024

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order/Non-Speaking Order

ars

Copy To:

The Sub Court,
Padmanabhapuram.



WEB COPY



Rev.Aplc(MD) No.62 of 2023

SUNDER MOHAN, J.

ars

Rev.Aplc(MD) No.62 of 2023

08.11.2024