



A NO. 3957 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

A No. 3957 of 2025

in C.S.No.638 of 2018

Mrs. Lakshmi Ramachandran.,
W/o Mr. Ramachandran, No.12A/2, Subramaniarkoil Street, Rajaji
Nagar, Zaminpallavaram, Chennai - 43. and 2 Others

Applicant(s)

Vs

Mr. K.N. Srinivasan.,
S/o Mr. K.S. Narayanan, No.41/1, Subramanaiaam Street,
Abiramapuram, Chennai - 18. and another

Respondent(s)

For Applicant(s): Mr.K.V.Shanmuga Sundaram

For Respondent(s): Mr.K.N.Nataraj for D2

ORDER

The present application has been filed to allow the applicants to withdraw their 1/5th share amount of Rs.10,80,598/- each (sale amount and interest amount) totaling to a sum of Rs.32,41,794/- (Rupees Thirty Two Lakhs Forty One Thousand Seven Hundred and Ninety Four Only) out of the amount deposited by the third party in Fixed Deposit Account lying to the credit of the C.S.No.638 of 2018.



2) Heard Mr.K.V.Shanmuga Sundaram, learned counsel appearing for M/s.A [redacted] ers,
appearing for the applicants and Mr.K.N.Nataraj, learned counsel appearing on behalf of the
second defendant.

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3) Learned counsel for the applicant would submit that a preliminary decree was passed by this Court on 16.03.2022 in respect of both A & B Scheduled properties. In so far as Schedule-B property is concerned, the same had been encroached by a third party. The learned Advocate Commissioner had also filed a Report indicating that the B-Scheduled property is also undivisible. He would submit that the third party encroacher had approached this Court for purchasing the B-Scheduled property. The third party had also agreed to purchase the B-Scheduled property for a sum of Rs.52,00,000/- and this Court by its order dated 13.02.2024 had directed the third party to deposit a sum of Rs.52,00,000/- to the credit of the suit to be kept in an interest bearing account. The Demand Drafts were also placed before this Court by the third party and recording the same, this Court in its order dated 18.03.2024 had directed the Registry to receive the same and deposit the same in an interest bearing account.



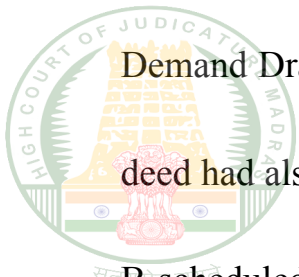
4) When the matter again came up for hearing on 08.04.2024, a request was the applicants for paying their share from the deposited amount which was declined by this Court in its order dated 08.04.2024 by holding that the same could be done only after the sale deed

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is executed and not prior to that. He would submit that the sale deed had been executed by the Assistant Registrar of this Court on 30.05.2025 and had been registered as document No.1931 of 2025 on the file of the SRO, Kotturpuram. Hence, he would submit that there are no impediment in making the payment of the 1/5th share to the applicants as paid by the third party purchaser along with the interest accrued thereon as on this date. Therefore, he prays this Court to order the application as prayed for.

5) I have considered the submissions made by the learned counsel for the applicants and Mr.K.N.Nagaraj appearing on behalf of the second defendant and perused the materials available on record.

6) By order dated 13.02.2024, recording the statements made by the applicant and the second respondent that they have no objection in respect of the B-Scheduled property, had permitted the third party to deposit a sum of Rs.52,00,000/- which had been agreed between the parties as the value of the property. The third party had also deposited the said amount by way of



sale

Demand Draft to the Registry which has been recorded in the order dated 18.03

deed had also been executed by this Court in favour of the third party. Hence, the value of the

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B-scheduled property had come to the corpus of the suit of which the parties to the suit are entitled to 1/5th share each. The applicant had also produced a certificate issued by the Joint Registrar dated 13.06.2025 indicating that as of date a sum of Rs.54,02,990/- is lying in fixed deposit to the credit of the instant suit.

7) In view of the proceedings indicated supra, this Court finds no impediment in ordering the application as prayed for. In fine, the present application stands allowed and the Registry is directed to pay the applicants and the second respondent each 1/5th share of the amount that is lying in the fixed deposit to the credit of the instant suit. The share of the first respondent shall be continued to be kept in deposit as the first respondent had remained ex-parte throughout the proceedings and the same can be disbursed to him as and when he approaches this Court.

12-08-2025

Gba