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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2025

CORAM:

THE HONOURABLE DR. JUSTICE **G.JAYACHANDRAN**
and
THE HONOURABLE MR. JUSTICE **MUMMINENI SUDHEER KUMAR**

C.M.P.No.20779 of 2025

in

A.S.No.748 of 2025

1.Suseetha Chandrasekaran
2.Sheeba John Kennedy
3.Shoba David Antonyraj
4.John Paul
5.Robert Runcie

.. Petitioners / Respondents

Vs.

1.M/s.Kavithalaya Builders
Registered Partnership Firm, by its Partners 1. Murugesan,
S/o. P.Rasu,
Having office at No.51, Velacherry Main Road,
Velachery, Chennai-600 042.

2.A.Sivasankar

.. Respondents / Appellants

PRAYER: Appeal Suit is filed under Section 151 of C.P.C, to permit the petitioner to deposit the decree amount along with interest in the Court.

For Petitioners : Mr.J.Joseph Stalin



For Respondents : Ms.Gopika Nambiar

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ORDER

[Order of the Court was made by Dr.G.JAYACHANDRAN., J.]

The suit for specific performance, with an alternate relief for refund of the advance amount, was considered by the trial Court. By a decree dated 21.06.2023, this Court directed the defendants to refund a sum of Rs.30,00,000/-, which has been received as advance from the plaintiffs with interest at the rate of 9% per annum from the date of agreement (i.e., 29.04.2006) till the date of decree (i.e., 21.06.2023) and subsequent interest at the rate of 6% till its realization.

2. The defendants accepted the decree and did not prefer any appeal. However, the plaintiffs, being aggrieved by rejection of the main relief of specific performance, has filed Appeal No.724 of 2023 before this Court and same is pending.

3. Meanwhile, the defendants, who are the respondents in the appeal, has filed an application pursuant to the order of the trial Court. After notice,



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the learned counsel appearing for the appellants states that the appeal itself may be taken up for final disposal, since the appellants are not satisfied with the alternate relief granted by the trial Court.

4. Whereas, the learned counsel appearing for the respondents/defendants states that due to the delay in execution, the respondents are mulcted with paying interest on the decree amount. Therefore, they prayed that the respondents may be permitted to deposit the decree amount along with interest, so as to mitigate further accrual of interest.

5. This Court finds merit in the submissions made by the learned counsel for the petitioners in C.M.P.No.20779 of 2025. Hence, the petition is allowed. The petitioners/respondents are directed to deposit the decree amount along with interest on or before 25.09.2025 in the account relating to O.S.No.3734 of 2022, on the file of the XVIII Additional City Civil Court, Chennai.



6. Post the matter on 16.10.2025.

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[Dr.G.J., J.] & [M.S.K., J.]
18.09.2025

rpl
To

The XVIII Additional City Civil Court, Chennai.



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Dr.G.JAYACHANDRAN,J.
and
MUMMINENI SUDHEER KUMAR,J.

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