



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMP No. 9970 of 2026

in

A.S.No.1019 of 2025

A.Veerapandian

..Petitioner

Vs

1. N.Nithyanandam (Deceased)
1.C.Anandhi,

2. N. Thulasi
3. M. Arul Mozhi
4. N. Selvanathan

..Respondents

Petition filed under Section 151 of CPC to permit the Petitioner / Respondent herein to withdraw the amount of Rs.33,00,000/- (Rupees Thirty Three Lakhs only) together with interest accrued if any deposited to the credit of the O.S. No.21 of 2022 on the file of the District Court at Karaikal.

For Petitioner: Mr.T.Sai Krishnan

For Respondents: Mr.Avinash Wadhwani

ORDER

(Order of the Court was made by C.V.Karthikeyan J.)

The petition has been filed by the respondent in the Appeal Suit seeking permission to withdraw the amount of Rs.33,00,000/-, which had been deposited by the appellant in the Appeal Suit consequent to the directions of this court.



2. The said amount had been deposited by way of Fixed Deposit to the credit of O.S.No.21 of 2022 on the file of the District Court, Karaikal. The said suit in O.S.No.21 of 2022 had been filed by the petitioner seeking refund of advance amount paid by him under an agreement of sale entered with the first defendant. The suit had been decreed. Thereafter, the respondent had filed the present Appeal Suit and as condition of stay, the said amount had been directed to be deposited. Now, it is contended by the petitioner that he is suffering a serious ailment and requires the amount for the expenses towards the medical treatment.

3. Learned counsel for the respondents, who had filed counter raised the issue of limitation in institution of the suit. But, that issue is answerable at the time of hearing the Appeal.

4. We would grant permission subject to order of restitution, if required, depending on the nature of final decision to be taken in the Appeal Suit. The petitioner is permitted to approach the District Court, Karaikal for payment out of the amount deposited by way of fixed deposit and on such event, the District Court is directed to recall the fixed deposit and make payment out together with accrued interest. The present petition is ordered accordingly.

(C.V.K.,J.) (K.R.S.,J.)
27-04-2026

ssk
To
District Judge, Karaikal.



WEB COPY

CMP No. 9970 of 2026



**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

ssk

**CMP No. 9970 of 2026
in
A.S.No.1019 of 2025**

27-04-2026