S U P R E M E   C O U R T   O F   I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 5662/2023

(Arising out of impugned final judgment and order dated 09-12-2022 in CRPNPD No. 2446/2019 passed by the High Court of Judicature at Madras)

M. PARI   Petitioner(s)

VERSUS

PAANCHALAI & ORS.   Respondent(s)

(IA No.59122/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.59123/2023-EXEMPTION FROM FILING O.T. and IA No.59121/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 17-04-2023 This petition was called on for hearing today.

CORAM :
        HON'BLE MR. JUSTICE ABHAY S. OKA
        HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s)
              Mr. A. Selvin Raja, AOR

For Respondent(s)

         UPON hearing the counsel the Court made the following
                            O R D E R

         Heard the learned counsel appearing for the petitioner.

         The decree as a whole makes it clear that the petitioner was under an obligation to pay balance consideration in terms of the decree to the respondents-defendants within two months from 3rd June, 2002. The petitioner never sought extension of time. Ultimately, the decretal amount was belatedly deposited on 8th March, 2011.

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Unfortunately, in an application filed along with the Special Leave Petition, entire burden is sought to be shifted by the petitioner on his own advocate who is no more.

No case for interference is made out in exercise of our jurisdiction under Article 136 of the Constitution of India. The Special Leave Petition is accordingly dismissed.

At this stage, the learned counsel for the petitioner seeks permission to withdraw the decretal amount deposited by him.

Accordingly, the Trial Court will refund the decretal amount deposited by the petitioner along with interest accrued, only if the amount has been deposited in the interest bearing account.

We make it clear that the refund will be of the amount which was deposited by the petitioner pursuant to the decree.

Pending applications also stand disposed of.

(ANITA MALHOTRA)   (AVGV RAMU)
   AR-CUM-PS   COURT MASTER