



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 17TH DAY OF JUNE 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.1271 of 2021

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of disputes between
M/s.Cholamandalam Investment and
Finance Company Ltd and
Mr.Ramamurthy K & another Arising
under loan Agreement
No.XVFPATN00002673134 Dated
26.11.2018.

M/s.Cholamandalam Investment and
Finance Company Limited,
No. 45, Justice Basheer Ahmed Sayeed Building,
II Floor, 2nd Line Beach, Moree Street,
Parrys, Chennai-600 001.

Represented by its Authorised Signatory

... Applicant

Versus

1.Mr.Ramamurthy K,
S/o. Kodyagowdar,
Plot No. 60 & 61, Pragathi Nagar Colony,
Rangareddy, Near Temple, Hyderabad,
Telangana – 501301.

... Respondent

2.Hindustan Petroleum Corporation Ltd.,
South Central LPG Zone, 6th Floor,
Varun Towers, Siripuram Junction ,
Visakhapatnam, Andhra Pradesh – 530 003.

... Garnishee



WEB COPY Application praying that this Hon'ble Court be pleased to pass an order prohibiting the Garnishee from making payment of a sum of Rs.7,89,361/- or any amount upto the extent of Rs.7,89,361/- to the respondent or to respondent's men, agents, representatives or to anyone claiming on respondent behalf and restrain the respondent or respondent's men, agents, representatives or anyone claiming on respondent behalf from receiving a sum of Rs.7,89,361/- or any amount upto the extent of Rs.7,89,361/- from the Garnishee and further direct the Garnishee to deposit the sum of Rs.7,89,361/- or any amount upto the extent of Rs.7,89,361/- to the credit of the above application.

This application coming on this day before this court for hearing in the presence of Mr.D. Pradeep Kumar, Advocate for the Applicant herein, and upon reading the judges summons and the affidavit of S.Sivasubramanian, filed herein and the learned counsel for the applicant having submitted that the notice sent to the garnishee has not been served and hence, this application may be closed with a liberty to the applicant to file a fresh application against the correct garnishee **and it is ordered as follows:-**



2. That the Applicant herein shall be at liberty to file a fresh application against the correct garnishee.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
17TH DAY OF JUNE 2021.

Sd/-

ASSISTANT REGISTRAR (Comm. Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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02/07/2021

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A. No.1271 of 2021

ORDER

DATED : 17.06.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 22/07/2021

APPROVED ON: 23/07/2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 17TH DAY OF JUNE 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

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Application praying that this Hon'ble Court be pleased to pass an order prohibiting the Garnishee from making payment of a sum of Rs.7,89,361/- or any amount upto the extent of Rs.7,89,361/- to the respondent or to respondent's men, agents, representatives or to anyone claiming on respondent behalf and restrain the respondent or respondent's men, agents, representatives or anyone claiming on respondent behalf from receiving a sum of Rs.7,89,361/- or any amount upto the extent of Rs.7,89,361/- from the Garnishee and further direct the Garnishee to deposit the sum of Rs.7,89,361/- or any amount upto the extent of Rs.7,89,361/- to the credit of the above application.

This Application coming on this day before this court for hearing, the court made the following order:-

This application has been filed to prohibit the garnishee from making payment of a sum of Rs.7,89,361/- to the respondent or his men and to restrain the respondent and his men from receiving the above sum from the garnishee and further direct the garnishee to deposit the said sum to the credit of the above application.

2. When the matter was taken up today, the learned counsel

appearing for the applicant submitted that the notice sent to the garnishee



has not been served and hence, this application may be closed with a liberty to the applicant to file a fresh application against the correct garnishee.

3. Accordingly, this application is closed with liberty to the applicant to file a fresh application against the correct garnishee.

Sd./-N.S.K.J.

17/06/2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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