



Arb.Appln.No.112 of 2022

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and A.No.8641 of 2017

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SENTHILKUMAR RAMAMOORTHY, J.

The lender / financial institution has presented this application for payment out of monies lying to the credit of A.No.8641 of 2017.

2. Learned counsel for the applicant submits that A.No.8641 of 2017 was filed previously by the lender for a prohibitory order against the garnishee. By order dated 11.07.2018, the application was allowed and the garnishee was directed to deposit the withheld amount to the credit of the application. Subsequently, in A.No.5790 of 2019, payment out of sum of Rs.1,48,798/- was prayed for and the said application was allowed on 10.03.2020.

3. By relying upon the certificate of funds, which discloses that a sum of Rs.4,22,939/- is lying to the credit of A.No.8641 of 2017, the present application is filed. Learned counsel also relies upon the consent letter issued by the borrower in this regard.

4. In view of the consent letter issued by the borrower agreeing to the filing of appropriate applications by the lender for payment out, notice to the



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respondents is not necessary. The certificate of funds enclosed with the petition discloses that a sum of Rs.4,22,939/- is lying to the credit of A.No.8641 of 2017. In these circumstances, this application is liable to be allowed.

5. Accordingly, Arb.Appln.No.112 of 2022 is allowed by directing payment out of a sum of Rs.4,22,939/- (standing to the credit of A.No.8641 of 2017) to the applicant by issuing a cheque in favour of the applicant.

06.09.2022

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