



Arb.Appln.No.106 of 2022

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and A.No.10218 of 2018

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SENTHILKUMAR RAMAMOORTHY, J.

This application is presented by the lender / financial institution seeking to raise the order of attachment dated 05.08.2020 in A.No.10218 of 2018. The applicant states that A.No.10218 of 2018 was filed for a direction to the respondent to furnish security for the amount due and payable to the applicant and, in default, to attach the respondent's property. In the said application, by order dated 05.08.2020, the immovable property described in the schedule to the Judge's summons was attached. Subsequently, pursuant to negotiations, a settlement was reached between the lender and borrower. The present application is filed to raise the order of attachment in the said facts and circumstances.

2. Since an order by which the attachment is raised would enure to the benefit of the respondent / borrower / owner of the property, notice to the respondent is not necessary. This application is liable to be allowed because the lender, at whose instance the order was issued, prays for raising the attachment.



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3. Therefore, Arb.Appln.No.106 of 2022 is allowed as prayed for and the order of attachment dated 05.08.2020 in A.No.10218 of 2018 is raised. The order is directed to be transmitted through the District and Sessions Court, Anjar, Kutch, Gujarat for communication to the SRO, Bhachau, Kutch.

06.09.2022

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