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Arb.Appln.No.141 of 2022

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and A.No.3337 of 2016

SENTHILKUMAR RAMAMOORTHY, J.

The applicant seeks payment out of the sum of Rs.70,553/- lying to the credit of A.No.3337 of 2016.

2. Learned counsel for the applicant states that the first respondent had availed of credit facilities from the applicant. The parties arrived at a settlement and the first respondent consented to the applicant receiving monies lying in Court deposit. The letter dated 15.07.2019 from the first respondent was cited in such regard.

3. Learned counsel also points out that an application to raise the attachment was filed and allowed previously. Likewise, payment out was also ordered previously by order dated 21.08.2019.

4. In spite of the respondents being served notice, they did not appear. At the hearing today, the names of the respondents are printed on the cause



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list. However, the respondents have not entered appearance. In these circumstances, the application is proceeded with in the absence of the respondents.

5. In support of the application, the applicant has enclosed the certificate of funds evidencing that a sum of Rs.70,553/- is lying to the credit of A.No.3337 of 2016 as Court deposit. In view of the settlement between the parties and the consent letter dated 15.07.2019, the applicant is entitled to receive the amount lying in Court deposit.

6. Accordingly, Arb.Appln.No.141 of 2022 is allowed as prayed for. The Registry is directed to issue the payment instrument in the name of the applicant and handover the same to an authorized signatory.

02.11.2022

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