



Arb.Appln.No.162 of 2022

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WEB CO **SENTHILKUMAR RAMAMOORTHY, J.**

This application is filed for payment out of a sum of Rs.1,43,950/- standing to the credit of A.No.4534 of 2019 as Court deposit.

2. The applicant is a financial institution which had extended credit facilities to the first respondent herein. On account of default, A.No.4534 of 2019 was filed seeking orders against the second respondent / garnishee. Pursuant thereto, by order dated 28.08.2019 in A.No.4534 of 2019, the salary of the first respondent was attached and deposited to the credit of the application. The present application for payment out is filed after initiating arbitration proceedings and obtaining an award dated 04.09.2019 for the payment of a sum of Rs.3,15,136/- with interest thereon at 18% per annum from 15.06.2019 until realization.

3. At the hearing on 08.08.2022, notice was issued to the respondents returnable by 05.09.2022. Learned counsel for the applicant has filed an



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affidavit of service and enclosed the acknowledgement cards. Since notice was effected on the respondents, the names of the respondents were printed in the cause list for today's hearing. In spite of service of notice and their names being printed in the cause list, there is no representation for the respondents. Therefore, the respondents are set *ex parte* and the application is proceeded with.

4. The applicant has enclosed the arbitral award dated 04.09.2019. The operative portion of the award discloses that a sum of Rs.3,15,136/- with interest thereon at 18% per annum from 15.06.2019 until realization was awarded. The applicant has also enclosed the certificate of funds showing that a sum of Rs.1,43,950/- is standing to the credit of A.No.4534 of 2019.

5. On instructions, learned counsel for the applicant asserts that the respondents did not challenge the arbitral award by filing a petition under Section 34 of the Arbitration and Conciliation Act, 1996, and that the award is final and binding. The award is dated 04.09.2019. By taking into



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account the date of the award and the categorical assertion on behalf of the applicant, this application is liable to be allowed.

6. Accordingly, Arb.Appln.No.162 of 2022 is allowed by directing payment out of a sum of Rs.1,43,950/- standing to the credit of A.No.4534 of 2019 by issuing a cheque in favour of the applicant. Such cheques shall be received by an authorized representative of the applicant.

13.09.2022

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