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Execution Petition No.103 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Execution Petition No.103 of 2017

M/s. Simplex Infrastructures Ltd.,
No.48, Casa Major Road,
Egmore, Chennai – 600 008.

.. Decree Holder / Petitioner

Vs.

1.Tamil Nadu Maritime Board,
3rd and 4th Floors,
No.171, South Kesavaperumalpuram,
Off Greenways Road,
Raja Annamalaipuram,
Chennai – 600 028.

.. Judgment Debtor /
1st Respondent

2.State Bank of India,
Thyagarayanagar Branch,
No.2, Prakasam Road,
T.Nagar, Chennai – 600 017.

.. Garnishee / 2nd respondent

Prayer: Execution Petition is filed under Ordinary Original Civil Jurisdiction praying to execute the Decree / Arbitral Award dated 21.07.2016 under Order XXI Rules 46, 46A and 46B of the Code of Civil Procedure, 1908 read with Section 36 of the Arbitration and Conciliation Act, 1996 and consequently to issue pro order prohibiting the Garnishee /



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2nd respondent from paying to the 1st respondent / Judgment Debtor by attaching an amount to the extent of Rs.61,07,329/- (Rupees Sixty One Lakh Seven Thousand Three Hundred and Twenty Nine Only) lying to the 1st respondent / Judgment Debtor's credit in Account No.10477444665 or such other Accounts maintained with the Garnishee / 2nd respondent by the 1st respondent / Judgment Debtor to the extent of the Decree Amount and to remit the same to the credit of this Execution Petition to the satisfaction of the Decree / Award.

For Petitioner : Mr.Solaiappan.O

For Respondents : Dr.Suriya
Additional Government Pleader

ORDER

This Execution Petition has been filed to issue pro order prohibiting the Garnishee from paying to the Judgment Debtor by attaching the amount lying in the Judgment Debtor's Account No.10477444665 and to remit the same to the credit of this Execution Petition to the satisfaction of the award.

2.It is informed by the learned counsel for the petitioner that the 2nd respondent has filed an affidavit on 09.10.2017 wherein the 2nd respondent has informed this Court that there are no amounts of the 1st



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respondent / Judgment Debtor is lying in the aforesaid account.

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3.Considering the same, this Execution Petition is dismissed as
infructuous. No costs.

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

C.SARAVANAN, J.



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