



W.P(MD)No.7939 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7939 of 2023

and

W.M.P.(MD)No.7330 of 2023

S.Subramani

... Petitioner

Vs.

1.Assistant Director of Agriculture,
Kottampatti,
Melur Taluk,
Madurai District-625 103.

2.Sriram Transport Finance Company Ltd.,
No.45 B, 1st Floor,
New Agraharam Near Abirami Theatre,
Palani Road,
Dindigul-624 001.
(Represented by its authorized
signatory Mr.Janakaran)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the first respondent from recovering any amount from the regular monthly salary of the petitioner.

For Petitioners : Mr.S.Louis

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1
: Mr.M.Mohammed Sherbudeen for R2



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ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the first respondent. Though the second respondent has been served, they had not been chosen to enter appearance either in person or through counsel.

2. The petitioner appears to have availed vehicle loan from the second respondent. The petitioner appears to have committed default. The second respondent had obtained arbitral award against the petitioner. They have also filed E.P.No.14 of 2022 before the Sub Court, Dindigul. The executing Court has attached the petitioner's salary. These are matters that fall within the realm of private dispute between the petitioner and the financier. The question of writ Court interfering in the issue does not arise at all. It is for the petitioner to move the jurisdictional executing Court and obtain relief.

3. Leaving open the petitioner's right to move the executing Court for relief, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

25.04.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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