



W.P.(MD)No.9933 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2023

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CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.9933 of 2021
and
W.M.P.(MD)No.7627 of 2021

Vanchi Enterprise,
Rep by its Managing Partner M.Vijayakumar,
No.19/2, V.A.Plaza, 80 Feet Road,
Sengunthapuram Post,
Karur-2.

... Petitioner

Vs.

1.The Authorized Officer,
UCO Bank, KPS Complex,
Opposite of Kongu Thirumana Mandram,
Kovai Road, Karur-2.

2.The Branch Manager
UCO Bank, KPS Complex,
Opposite of Kongu Thirumana Mandram,
Kovai Road, Karur-2

3.S.Krishnaveni

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 and 2 not to disburse the remaining sale amount available with them after satisfaction of their mortgage debt to the 3rd respondent and further direct the respondents 1 and 2 to deposit the remaining sale amount available with them after



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satisfaction of their debts due to the credit of O.S.No.462/17 on the file of the Additional Sub-Court Karur so as to satisfy the decree passed in the said suit.

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For Petitioner : Mr.H.Arumugam
For R1 & R2 : Mr.P.T.S.Narendravan
for Mr.K.Periyasamy
Standing Counsel
For R3 : Mr.N.Shanmugaselvan

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the first and second respondents not to disburse the remaining sale amount available with them to the third respondent and to deposit the same before the Additional Sub Court, Karur to the satisfaction of the decree.

2.Heard the learned counsel for the petitioner, learned Standing Counsel for the first and second respondents and the learned counsel for the third respondent.

3.The petitioner is admittedly a decree holder and the decree has been passed against the third respondent for recovery of money. The petitioner has also filed an execution petition. Therefore, if the petitioner wants to attach the amount that is payable by the first and second respondents to the third respondent, the petitioner can always initiate garnishee proceedings before the



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execution Court and the relief sought for by the petitioner by way of filing this writ petition is not maintainable in law. Therefore, it is left open to the petitioner to file proper application in the execution proceedings and workout their remedy.

4.This Writ Petition is disposed of on the above terms. No costs.
Consequently, connected miscellaneous petition is also closed.

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(1/2)

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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N.ANAND VENKATESH, J.

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