



WEB COPY



Arb.Appln.No.67 of 2024

Arb.Appln.No.67 of 2024
in
A.No.8291 of 2019

C.SARAVANAN, J.

The learned counsel for the applicant informs that although notice was ordered on the respondents on 08.02.2024, notice is required as the respondents have given a Consent Letter/Communication on 02.08.2023 for filing necessary application for this payment out application as the dispute between them has been settled.

2. Relevant portion of the Consent Letter/Communication dated 02.08.2023 of the second respondent reads as follows:-

"I state that Mr.Zabiulla and myself had entered into loan agreement No.XVFPDPI00002053715 dated 26-07-2017 for a sum of Rs.6,58,699/- in respect of vehicle BOLERO bearing Registration No.TN-29-BW-6806.

I state that since there was default in payment of installments you had filed Application No.8291 of 2019 (with respect of Agreement No.XVFPDPI00002053715) under section 9 of the Arbitration and Conciliation Act, 1996 against Mr.Zabiulla and myself for the relief of attachment of my salary in the hands of the Garnishee namely The Head Master, Girls Govt. Higher Secondary School, Palacode, Dharmapuri - 636 808. I state that the Hon'ble High Court by order dated 28/10/2020 was



WEB COPY



Arb.Appln.No.67 of 2024

pleased to order attachment of salary in this application.

I state that pursuant to the order the Garnishee had been deducting from my salary as per the order of the Hon'ble High Court and same is being credited to the credit of the Application No.8291 of 2019.

I state that pursuant to the order settlement negotiations took place between the parties and accordingly Mr.Zabiulla and myself have still some due to be paid. I state that the garnishee has deposited the amount to the credit of the application.

I state that under such circumstances I request you to take necessary application before the Hon'ble High Court, Madras for payment out of the amount lying in court deposit in favour of M/s.Cholamandalam Investment & Finance Company Limited and appropriate the same towards the dues under the loan agreement and refund the excess amount if any remaining after satisfying the outstanding under the agreement. I hereby express no objection to payment out application to be filed by M/s.Cholamandalam Investment & Finance Company Limited."

3. In view of the above, this Application is allowed. Registry is directed to process the payment out application in the name of the applicant.

27.02.2024

arb

C.SARAVANAN, J.

arb



WEB COPY



Arb.Appln.No.67 of 2024

Arb.Appln.No.67 of 2024
in
A.No.8291 of 2019

27.02.2024