



A.Nos.2057 and 2058 of 2022 in EP No.307 of 2013 and E.P.No.58 of 2019

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P.B.BALAJI.,J

When Execution Petition is pending before the learned Master, the present applications are filed seeking condonation of delay and for stay of the order of the learned Master dated 11.01.2019, alleging that the orders have been passed exparte and on a wrong premise that the amount is still due and payable by the garnishee to the judgment debtor. However, Mr.K.K.Muralitharan, learned counsel for the respondents has brought to my attention the affidavit filed by a responsible officer of the garnishee/applicant herein, wherein, he has admitted the amount payable at Rs,31,57,930/- and sought for time on the ground that the Government is in the process of sanctioning the amount.

2. The learned Additional Advocate General, MR.J.Ravindran, assisted by Dr.S.Surya, learned Additional Government Pleader, invites my attention to the order of the learned Master dated 05.04.2017, wherein there is a direction to the applicant/garnishee to pay a sum of Rs.56,56,313/-(Rupees Fifty six lakhs



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fifty six thousand three hundred thirteen only) and the said amount of

Rs.56,56,313/- has already been deposited by the applicant/garnishee and the same has also been withdrawn by the Decree Holder.

3. Now, the dispute revolves around whether any further amount has been retained by the applicant/garnishee to be paid and in such event, the same should be paid directly to the decree holder.

4. In view of the above narrated position, I feel an opportunity be given to the applicant/garnishee to putforth his contentions by production of accounts and other relevant documents, to establish before the Court that no further amount is due and payable to the decree holder or available with the Garnishee to be paid to the decree holder as on the date of the decree.

5. Consequently, **A.Nos.2057 and 2058 of 2022** are allowed with a condition that the applicant/garnishee deposits a sum of Rs.25,00,000/-(Rupees Twenty five lakhs only) to the credit of E.P.No.58 of 2019 within a period of twelve weeks from today. On such deposit, the applicant/garnishee shall be



A.Nos.2057 and 2058 of 2022 in EP No.307 of 2013 and E.P.No.58 of 2019

entitled to be heard before the learned Master and no coercive steps shall be taken against the applicant/garnishee. The Execution Petition shall be taken on merits thereafter and the learned Master shall dispose of the Execution Petition within a period of four weeks thereafter.

12.06.2024

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