

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5505 OF 2014

EXEDY INDIA LIMITED. THR. ITS PERSONNEL MANAGER
VERSUS
SARASWAT CO-OPERATIVE BANK LTD. AND ANOTHER

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Advocate for Petitioner : Mr. V.B. Kale

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CORAM : V.K. JADHAV, J.

Dated: February 23, 2015

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PER COURT :-

1. Heard learned counsel for the petitioner.
2. The petitioner is a private limited company. The respondent No.2 is the employee of the petitioner Company and he had taken certain loan from the respondent No.1. The Respondent no.2 is permanent worker working as a operator in Assembly Department in the petitioner's company getting per month salary. Since the respondent No.2/employee has failed to repay the loan amount, the respondent no.1 has obtained decree of certain amount in arbitration proceeding. Even then the respondent no.2 has failed to satisfy the decree. Consequently, the respondent no.1 has filed Regular Darkhast before the Court bearing RD No.321/2013 for execution of the said decree passed in the Arbitration proceeding. The Executing Court

by order dated 12.2.2014 directed the Personnel Manager of the petitioner company to deposit an amount of Rs.3,000/- per month by deducting the same from the salary of the respondent no.2. Being aggrieved by the same, the petitioner/employer has filed the present writ petition.

3. The learned counsel for the petitioner submits that, it is difficult for the petitioner-company to maintain the record of said deduction of certain amount from the salary of the respondent no.2 due to shortage of the staff members. Learned counsel further submits that, the impugned order is also not clear on certain point as to how amount to be deducted and thereafter send to the Executing Court.

4. In view of the provisions of Order 21 Rule 48A of the Civil Procedure Code, the Executing Court can attach the salary/allowance of the private employees and in that process the Executing Court may direct the disbursing officer of the employee to deduct or withheld certain amount as directed by the Executing Court in one payment or by monthly installments as the case may be subject to the provisions of Section 60 and remit the same to the Court as directed.

5. In view of this, the petitioner is bound to deduct the monthly installments from the salary of the employee and remit the same to the Court, as directed. If the petitioner Company has some confusion about remittance of the said amount, the petitioner company may seek clarification from the Executing Court. There is no merit in the Writ Petition. The Writ Petition is thus liable to be dismissed.

6. The Writ Petition is hereby dismissed. No costs.

(V.K. JADHAV, J.)

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aaa/-