

A.No.5867 of 2015
in O.P.No.669 of 2015

RAJIV SHAKDHER, J.

1. There is no representation on behalf of the first respondent.

1.1. Despite, opportunities given twice to the first respondent to file counter affidavit, subject to payment of costs, the first respondent has neither paid the cost nor filed the counter affidavit.

1.2. To be noted, these opportunities were given to the first respondent, at the hearings held on 19.07.2016 and 12.08.2016.

1.3. It appears that the first respondent is not interested in contesting the matter.

2. Though the prayer made in the application, is to stay the order of salary attachment, passed in E.P.No.1372 of 2014, by the learned X Assistant Judge, City Civil Court, Chennai, vide order dated 07.01.2015, based on the Arbitral Award dated 26.08.2013; the applicant has filed the petition in this Court for impugning the Award.

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DP

2.1.To be noted, this petition was presented on 26.03.2015.

2.2.Therefore, clearly during the pendency of the main petition, execution proceedings cannot continue. The applicant thus needs to file a petition before the Executing Court to bring this fact to its notice.

3.The application, is disposed of, with the aforesaid observation.

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4.Adverse orders, in respect of the first respondent, are deferred.

5.Re-notify on 09.01.2017.

01.12.2016

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Note:Issue order copy on 07.12.2016

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A.No.1643 of 2013

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Re-notify on 06.01.2017.

B/o.

DP

01.12.2016

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