

Application No.1526 of 2017

DR.ANITA SUMANTH, J.

This application has been filed by the applicant to issue a prohibitory order prohibiting the garnishee from making payment upto a limit of Rs.4,33,518.97 to the second respondent by withholding the salary of the second respondent every month to the extent as contemplated in terms of Section 60 of C.P.C.

2.The liability arises pursuant to the loan availed of by the second respondent in terms of loan agreement No.XTRASOL00000944493 dated 31.03.2013 for a sum of Rs.5,70,000/-. As of 23.02.2017, a sum of Rs.4,33,518.97 is stated to be outstanding. Proceedings for arbitration are stated to have been initiated and are pending in Arbitration Case No.049/2017.

3.Notice ordered by this Court on 16.03.2017 has been served on respondents 1 and 2. But notice issued on the third respondent has been returned.

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4.In view of the above circumstances, I am inclined to grant an order prohibiting the garnishee from making payment as prayed for.

5.Accordingly, this application is ordered and the garnishee is prohibited from making the payment upto a limit of Rs.4,33,518.97 to the second respondent as prayed for in the application. Needless to say, as and when an award is passed, the parties shall be at liberty to proceed as per law.

12.06.2017

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Note to office: The order may be communicated to the third respondent garnishee through Messenger in order to ensure due compliance.

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