

**A.No.2094 of 2018**

**M.GOVINDARAJ, J.**

This application is filed seeking an order prohibiting the garnishee, i.e, R2 from making payment upto a limit of Rs.3,11,714.19 to the respondent by withholding the salary of the first respondent every month to the extent as contemplated in Section 60 of C.P.C. Viz., after deducting the first Rs.1000/- of the salary of the respondent and withholding 1/3<sup>rd</sup> of the remainder salary and restrain the first respondent from receiving the salary amount so withheld from the Garnishee and further direct the Garnishee to deposit the amount of salary so withheld every month to the credit of the above application pending initiation and disposal of the arbitration proceedings between the applicant and the respondent and till enforcement of the award that may be ultimately passed in arbitration proceedings.

2. The first respondent had availed a finance facility under loan agreement No.XVFPSHP00001383755 dated 26.3.2015 for a sum of Rs.4,50,000/- for purchase of vehicle Mahindra Scorpio bearing Registration No.MH-04-DY-9392. The principal amount of Rs.4,50,000/- carries finance charges of Rs.1,89,000/-, repayable in 45 instalments, the first instalment being dated 01.05.2015 and last instalment being dated 01.01.2019. There were defaults, on account of which, Mr.Pradeep Kumar, counsel for the applicant would submit, that proceedings for arbitration have been culminated into an award dated 20.6.2018.

3. Notice was served on the respondent and an affidavit of service has

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been filed to that effect that the notice has been duly served on the respondents. Despite printing the name of the respondents in the cause list, none appears for the respondent. Hence, the service is deemed sufficient.

4. In the light of the position that the finance facility had admittedly been availed of as early as in 2015 and only a sum of Rs.3,69,307/- has been repaid out of a total sum of Rs.6,39,000/-, I am inclined to order this application.

5. Accordingly, this application is ordered and the garnishee is prohibited from making the payment upto a limit of Rs.3,11,714.19 to the 1<sup>st</sup> respondent as prayed for in the application. Garnishee is directed to deposit the said amount to the credit of this application and the 1st respondent is prohibited from receiving any amount from the Garnishee until further orders of this Court.

6. In view of the above, nothing further survives in this application and the same stands closed granting liberty to the parties to take such action as they may deem it necessary in accordance with law.

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06.12.2018

Note to office: Applicant is permitted to communicate this order to the respondents

**A.No.3946 of 2017**