

Application No.185 of 2019**PUSHPA SATHYANARAYANA,J.**

This application has been filed by the applicant to issue an order prohibiting the Garnishee from making payment upto a limit of Rs.4,67,786.94 to the respondents by withholding the salary of 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 1/3rd of the remainder salary and restrain MR.Raghav M Thombare, Proprietor of the 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 arbitration proceedings between the applicant and the respondent and till enforcement of the award that may be ultimately passed in the arbitration proceedings.

2.The respondent had availed a finance facility under loan agreement No. XVFPBRI00001631265 dated 24.03.2016 for a sum of Rs.5,00,000/- towards purchase of a vehicle. The principal amount of Rs.5,00,000/- carries finance charges of Rs.2,29,600/-, repayable in 60 monthly installments, the first installment dated 25.04.2016 and the last, 25.03.2021. As of 20.12.2018, a sum of Rs.4,67,786.94 is stated to be outstanding.

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3. Notice to the respondents was effected and Affidavit of Service is also filed to that effect. Despite printing the name of the respondents in the cause list, none appears for the respondents. Hence, service is deemed sufficient.

4. It is also submitted by the learned counsel for the applicant that arbitration proceedings have concluded and an award has been passed in its favour on 16.02.2019. In the above circumstances and in view of the award passed in favour of the applicant, I am inclined to grant an order prohibiting the garnishees from making payment as prayed for.

5. Accordingly, this application is ordered and the garnishees are prohibited from making the payment upto a limit of Rs.4,67,786.94 to the respondents as prayed for in the application. Applicant is permitted to communicate this order to the respondents.

14.06.2019

ssd

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