

Application No.542 of 2019**PUSHPA SATHYANARAYANA,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.7,11,700.05 to the second respondent by withholding the salary of the second respondent every month to the extent as contemplated in Section 60 of Code of Civil Procedure, 1908 viz. after deducting the first Rs.1,000/- of the salary of the second respondent and withholding 1/3rd of the remainder salary and restrain the second 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 till enforcement of the award passed in the arbitration proceedings.

2.The respondents had availed a finance facility under loan agreement No.XVFPTEV00001612884 dated 29.02.2016 for a sum of Rs.9,53,465/- in respect of Vehicle Force Traveller. The principal amount of Rs.9,53,465/- carries finance charges of Rs.2,82,055/-, repayable in 48 monthly installments. The first installment commences from 28.03.2016 and the last installment till 28.02.2020. As per award, a sum of Rs.7,11,700.05 is stated to be outstanding.

PUSHPA SATHYANARAYANA,J.

rsi

3. Though notices have been served on the respondents and their names have been printed in the cause list, none appears on behalf of the respondents. Hence, service is deemed sufficient.

4.It is seen that proceedings for arbitration initiated by the applicant has culminated in an award in its favour on 14.09.2017 in Arbitration Case No.BS222/17. In the above circumstances and in view of the award passed in its favour, this Court is 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 payment upto a limit of Rs.7,11,700.05 to the second respondent as prayed for in the application. The Garnishee shall deposit the amount of salary so withheld every month to the credit of the above application. The parties are free to take such action, as they may desire hereafter, in accordance with law.

WEB COPY

01.08.2019

rsi

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