

**A.No.2130 of 2019****PUSHPA SATHYANARAYANA.J.**

This application is filed seeking an order prohibiting the garnishee, from making payment upto a limit of Rs.5,78,179.31, to the respondent by withholding the salary of the 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 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 disposal of the arbitration proceedings between the applicant and the respondent and till enforcement of the award.

2. The respondent had availed a finance facility under loan agreement No.XTRATPR00002533554 dated 25.08.2018 for a sum of Rs.5,38,850/- for purchase of vehicle. The principal amount of Rs.5,38,850/- carries finance charges of Rs.2,25,390/-, repayable in 16 quarterly instalments, the first instalment is commenced on 25.11.2018 and last instalment is on 25.08.2022. It is stated that as of 07.03.2019, a sum of Rs.5,78,179.31, is due and payable by the respondent. The learned counsel for the applicant would submit that proceedings for arbitration have been initiated and are pending in Arbitration Case.

3. The respondents 2 and 3/Garnishees are represented through a counsel. There is no representation for the first respondent and the vakalat has also been

returned. When the matter was taken up for hearing on 26.09.2019,

PUSHPA SATHYANARAYANA.J

srn

there was no representation for the first respondent. Even today, when the matter is called, there is no representation for him either in person or through counsel.

4. It is seen that the application is based on loan agreement dated 25.08.2018 for availment of a loan of an amount of Rs.5,38,850/-. As on 07.03.2019, the respondent is liable to pay a sum of Rs.5,78,179.31.

5. In the above circumstances, this Court is inclined to grant an order prohibiting the garnishee from making payment as prayed for.

6. Accordingly, this application is ordered and the garnishee is prohibited from making the payment upto a limit of Rs.5,78,179.31 to the respondent as prayed for in the application. The Garnishee is directed to deposit the amount of salary so withheld every month to the credit of the above application pending completion of arbitration proceedings. The disbursal thereof shall be subject to the conclusion of the proceedings for arbitration.

7. Needless to say, as and when an award is passed, the parties shall be at liberty to proceed as per law.

27.09.2019

srn

<http://www.judis.nic.in>

Note to office: Applicant is permitted to communicate this order to the respondent.



WEB COPY