Application No.4718 of 2018

PUSHPA SATHYANARAYANA,J.

This application has been filed by the applicant to issue a prohibitory order prohibiting the third and fourth respondents/Garnishees from making payment upto a limit of Rs.5,56,819.83 to the first and second respondents by withholding the salary of first and second respondents 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 first and second respondents and withholding 1/3rd of the remainder salary and restrain the first and second respondents from receiving the salary amount so withheld from the third and fourth respondents/Garnishees and further direct the third and fourth respondents/Garnishees to deposit the amount of salary so withheld every month to the credit of the above application pending disposal of arbitration proceedings between the applicant and the first and second respondents till enforcement of the award that may be passed in the arbitration proceedings.

2.The respondents had availed a finance facility under loan agreement No.XTRAAKO00001793902 dated 30.09.2016 for a sum of Rs.4,67,000/- in respect of Vehicle Escort FT-60-50 HP. The principal amount of Rs.4,67,000/- carries finance charges of Rs.2,43,040/-, repayable in 60 monthly installments. The first installment commences from 28.10.2016 and the last installment till 28.09.2021. As of

http://www.judis.nic.in

PUSHPA SATHYANARAYANA,J.

rsi

13.06.2018**,** a sum of Rs.5,56,819.83 is stated to be outstanding.

3. Notices sent to the first and second respondents have been returned and hence paper publication was effected, while notice sent to the third and fourth respondents have been served. Though the names of the respondents have been printed in the cause list, none appears for 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 29.06.2018. In the above circumstances and in view of the award passed in its favour, this Court is 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 payment upto a limit of Rs.5,56,819.83 to the first and second respondents as prayed for in the application. The parties are free to take such action, as they may desire hereafter, in accordance with law.

WEB COPY

20.06.2019

rsi

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

Application No.4718 of 2018

http://www.judis.nic.in