

**Application No.5753 of 2019****PUSHPA SATHYANARAYANA.J.**

This application is filed seeking an order prohibiting the garnishee from making payment upto a limit of Rs.4,90,226/- to the 2<sup>nd</sup> respondent by withholding the salary of 2<sup>nd</sup> 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 2<sup>nd</sup> respondent and withholding 1/3<sup>rd</sup> of the remainder salary and restrain the 2<sup>nd</sup> 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.XVFPBRE00001379491 dated 23.03.2015 for a sum of Rs.5,98,000/- for purchase of vehicle. The principal amount of Rs.5,98,000/- carries finance charges of Rs.1,96,144/-, repayable in 46 monthly instalments, the first instalment being dated 01.05.2015 and last instalment being dated 01.02.2019. As per the award, the respondents are liable to pay a sum of Rs.4,90,226/-.

3. Notices sent to the first and second respondents have been served, while notice sent to the third respondent has been delivered. Though the names of the respondents have also been printed in the cause list, there is no representation for them either in person or through counsel.

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4.It is seen that proceedings for arbitration initiated by the applicant has culminated in an award in its favour on 15.03.2017. 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 the payment upto a limit of Rs. 4,90,226/- to the 2<sup>nd</sup> 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.

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19.09.2019

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

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