

Application No.10013 of 2018**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.13,56,623.37 to the second respondent by withholding the salary of 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 pending initiation and disposal of arbitration proceedings between the applicant and the respondents and till enforcement of the award passed in the arbitration proceedings.

2.The respondent had availed a finance facility under loan agreement No.XVFPTEV00002228956 dated 30.12.2017 for a sum of Rs.14,17,000/- in respect of Vehicle Eicher Pro 1110. The principal amount of Rs.14,17,000/- carries finance charges of Rs.3,50,000/-, repayable in 60 monthly installments. The first installment commences from 15.02.2018 and the last installment till 15.01.2023. As of

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06.12.2018, a sum of Rs.13,56,623.37 is stated to be outstanding.

3. Though notices have been served on the respondents and their names 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 24.05.2019. 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.13,56,623.37 to the second respondent as prayed for in the application. The parties are free to take such action, as they may desire hereafter, in accordance with law.

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

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