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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 456/2019

PRAHLAD SINGH

..... Petitioner

Through: Mr. Brajesh Kumar with Mr. Dilip
Kumar, Advs

versus

HEAD OF SCHOOL (H. O. S.) & ORS

..... Respondent

Through: Mr. Satyakam, ASC, GNCTD with
Mr. Bohit Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

18.01.2019

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C.M. No. 2079/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 456/2019 & C.M. No. 2080/2019

The petitioner has preferred the present writ petition to stay the execution of attachment of salary for recovery of the awarded amount by the Arbitrator appointed under the Delhi Co-operative Societies Act, 2003. The petitioner has sought to place reliance on Section 60 CPC and the provisions of Order 21 CPC.

In our view, the said reliance is completely misplaced since the monies recoverable under an award made by an Arbitrator appointed under the Delhi Co-operative Societies Act is liable to be recovered as arrears

under Section 105(a) of the Delhi Co-operative Societies Act.

The grievance of the petitioner is that a major chunk of his salary is being recovered on monthly basis and it is becoming impossible for him to survive. In our view, this aspect can be raised by the petitioner before the Collector and the Collector would take an appropriate view considering the outstanding liability of the petitioner in respect of the several awards made against him and the paying capacity and needs of the petitioner.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

A. K. CHAWLA, J

JANUARY 18, 2019

N.Khanna