

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.877 of 2018

M/s.Cholamandalam Investment and
Finance Company Limited,
registered office at No.2, 1st Floor,
'Dare House', No.2, N.S.C.Bose Road,
Parrys, Chennai-600 001
rep. By its Authorised Signatory
Mr.R.Sivakumar

... Applicant

Vs.

1. Milind Udhav Karanjkar

2. Mr.Udhav Sadashiv Karanjkar

3. Dr. D.Y.Patil College of
Engineering,
Post Ambi, MIDC Road,
Talegaon Dabhade Dist.
Pune – 411 506.

... Respondents

PRAYER: Application filed under Order XIV Rule 8 of O.S.Rules r/w
Sec.9(ii) (d) & (e) of the Arbitration and Conciliation Act, 1996, praying
to issue a prohibitory order prohibiting the respondent/Garnishee from
making monthly salary to the 1st respondent and prohibit the first

respondent from receiving the salary amount from the respondent/garnishee and to direct the respondent/garnishee to pay his monthly salary directly to the applicant till the realisation of the award amount, which is due and payable by the 1st respondent.

For Applicant : Mr.V.Balasubramani

ORDER

This application has been filed seeking for interim protection for attachment of salary of the 1st respondent, which is lying in the account of 3rd respondent/garnishee.

2. This application is pending from the year 2018. It is averred that the award itself has been passed on 01.09.2017. Though the arbitrator had passed the arbitral award, the interim protection is available till the award is enforced. Section 36 of the Act provides the manner in which the award shall be enforced. The limitation is also provided for challenging the award. If it is expired, the award has to be necessarily enforced as per law.

3. In such view of the matter, it is for the applicant to enforce the award in the appropriate forum and to seek the relief for attachment of salary. Accordingly, this application is closed.

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