

A.No.5415 of 2019**N.SATHISH KUMAR, J.,**

The present Application has been filed seeking to pass an order prohibiting the garnishee from making payment upto a limit of Rs.4,02,150/- to the second respondent by withholding the salary of second respondent every month to the extent as contemplated in Section 60 of CPC, after deducting the first Rs.1,000/- of the salary of the second respondent and withholding the 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 this application till enforcement of the award passed in the arbitration proceedings.

2. It is the case that the first respondent has availed a sum of Rs.6,11,000/- under Loan Agreement dated 14.11.2014. The first respondent has paid only few installments and thereafter, committed default in payment of loan. As per the Award dated 02.12.2016, the first respondent is liable to pay a sum of Rs.4,02,150/- to the applicant. Despite several requests of the applicant, the first respondent neither repaid the dues nor permit the applicant to inspect the vehicle or surrender the vehicle to the applicant.

3. Though service was completed on the first respondent, none appeared on behalf of the first respondent.

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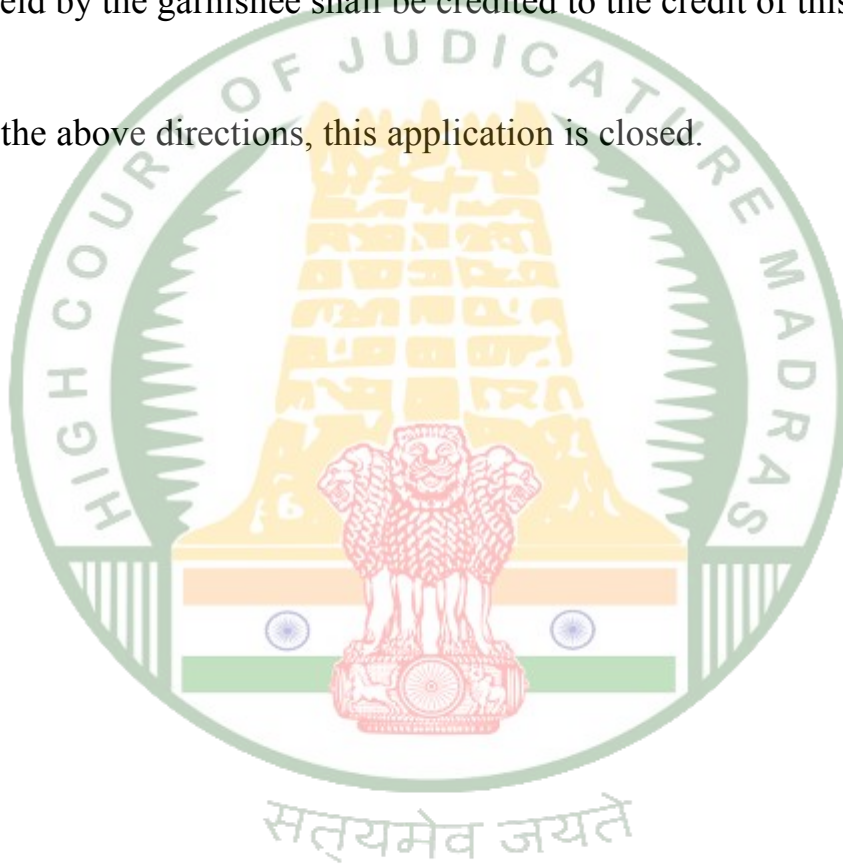
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4. In view of the above, this application is Ordered as prayed for and the amount withheld by the garnishee shall be credited to the credit of this petition.

5. With the above directions, this application is closed.

20.03.2020

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