

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application No.7932 of 2019

M/s.Cholamandalam Investment and
Finance Company Limited,
'Dare House', No.2, N.S.C.Bose Road,
Parrys, Chennai - 600001.

Represented by its Authorised Signatory ...

Applicant

versus

1.Rajesh Gardia,
S/o.Dharani Gardia,
Singharpur, Baghamunda, Lakhanpur,
Jharsuguda, Odisha-768219

...

Respondent

2.Office of the General Manager,
Orient Area, C/o.Mahanadi Coalfield Ltd.,
(Hirakhand Bundia Underground Mines)
PO-Jagruti Vihar, PS-Burla,
District-Sambalpur,
Orissa - 768 020.

3.Sub Area Manager,
Mahanadi Coalfield Ltd.,
Hirakhand Bundia Mines,
Rampur Colliery, Brajrajnagar,
Jharsuguda, Odisha - 768 225.

...

Garnishees

Prayer: Application filed under Order XIV Rule 8 of Original Side Rules read with Section 9(ii)(b) of the Arbitration and Conciliation Act, 1996, to pass an order prohibiting the Garnishees from making payment upto a limit of Rs.5,39,432/- to the respondent by withholding the salary of respondent

every month to the extent as contemplated in Section 60 of C.P.C. viz. after deducting the first Rs.1,000/- of the salary of the respondent and withholding 1/3rd of the remainder salary and restrain the respondent from receiving the salary amount so withheld from the Garnishees and further direct the Garnishees 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.

For Applicant : Mr.D.Pradeep Kumar
For Respondents : No Appearance

ORDER

This application has been filed by the applicant to pass an order prohibiting the Garnishees from making payment upto a limit of Rs.5,39,432/- to the respondent by withholding the salary of respondent every month to the extent as contemplated in Section 60 of C.P.C. viz. after deducting the first Rs.1,000/- of the salary of the respondent and withholding 1/3rd of the remainder salary and restrain the respondent from receiving the salary amount so withheld from the Garnishees and further direct the Garnishees 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. Today, when the Application is taken up for consideration, the learned counsel appearing for the applicant submitted through video conferencing that the respondent has furnished the communication stating that he has transferred to some other Office.

3. In such view of the matter, no further orders is required to be passed in this application and hence, the same stands closed, with liberty to file a fresh application.

Sd/.N.S.K.J.
28.08.2020

//Certified to be a true copy//

Dated this the th day of 2020.

su.09.10.2020

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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