

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 05TH DAY OF MARCH 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.9790 of 2018

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of disputes between
M/s.Cholamandalam Investment and
Finance Company Ltd., and
SHUBHAJIT KONWAR AND
OTHERS arising under Loan
Agreement
No.XVFPTIN00001937936 dated
23.03.2017.

M/s.Cholamandalam Investment and
Finance Company Limited,
'Dare House', No.2, N.S.C.Bose Road,
Parrys, Chennai-600 001
rep. by its Authorised Signatory

... Applicant

-Versus-

1. MR.SHUBHAJIT KONWAR
S/O.MUNINDRANATH KONWAR
BAMHUKUTA VILL, DULIAJAN,
DIRUGARH, ASSAM - 786 602

2. REKHAMONI KONWAR
W/O.SHUBHAJIT KONWAR,
BAMHUKUTA VILL, DULIAJAN,
DIRUGARH, ASSAM - 786 602

..RESPONDENTS

3. THE PRINCIPAL,
DAISAJAN RAJENDRA PRASAD PRATHAMIK
VIDYALAYA SCHOOL,
CODE-0219509 VILL-1, NO.DAISA BALIJAN GAON,
KHOWANG PANCHAYAT, PO-BORDOLOYE NAGAR TALAP,
TINSUKIA, ASSAM.

4. ELEMENTARY EDUCATION OFFICE
(THE INSPECTOR OF SCHOOL)
KAKOPATHER BLOCK, KAKOPATHER,
DIST-TINSUKIA, ASSAM - 786 152 ...GARNISHEES

Application praying that this Hon'ble Court be pleased to pass an order prohibiting the Garnishee from making payment upto a limit of Rs.3,77,261.79/- to the 2nd Respondent by withholding the salary of 2nd respondent every month to the extent as contemplated in Section 60 of C.P.C. Viz after deducting the first Rs.1000 of the salary of the 2nd respondent and withholding 1/3rd of the remainder salary and restrain the 2nd respondent from receiving the salary amount so withheld from the Garnishee and further direct the Garnishees 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 that may be ultimately passed in the arbitration proceedings.

This Application coming on this day before this court for hearing

the court made the following order:

This application has been filed seeking a prohibitory order against R3 and R4/garnishees for attachment of salary of the 2nd respondent.

2. Since already award has been passed, it is for the applicant to execute the award and is at liberty to seek an order for attaching the salary of the 2nd respondent before the Execution Court.

3. With the above observation, this application is closed.

Sd/.N.S.K.J.
05.03.2020

//Certified to be a true copy//
Dated this the day of 2020.

SU/12.03.2020

COURT OFFICER

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

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