

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2020

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

A.No.9788 of 2018

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

... Applicant

Vs.

1.Mr.Palash Sarma,
S/o.Pabitra Sarma,
077KA, 31 No, National Highway,
Haripur, Barbhala, Barpeta,
Pathsala, Assam 781 326.

2.Mrs.Uttara Devi,
W/o.Pabitra Sarma,
077KA, 31 No, National Highway,
Haripur, Barbhala, Barpeta,
Pathsala, Assam 781 326.

... Respondents

3.Block Elementary Education Office,
(Inspector of School), Bajali Division,
Pathsala Ward No.3, Near Pathsala High School,
Station Road, PO & PS – Pathsala,
District – Barpeta, Assam 781 325.

... Garnishee

PRAYER: Application filed under Order XIV Rule 8 of Original Side Rules r/w Section 9 (ii) (b) of the Arbitration and Conciliation Act 1996, to pass an order of prohibiting the garnishee from making payment upto a limit of Rs.5,24,435/- to the second respondent by withholding the salary of second 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 second respondent and withholding 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 the above application till enforcement of the award that may be ultimately passed in arbitration proceedings.

For Applicant : Mr.D.Pradeep Kumar

For Respondents : No Appearance

ORDER

The present Application has been filed seeking to pass an order of prohibiting the garnishee from making payment upto a limit of Rs.5,24,435/- to the second respondent by withholding the salary of second 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 second respondent and withholding 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 the above application till enforcement of the award that may be ultimately passed in arbitration proceedings.

2. Heard the learned counsel for the applicant. Though service was completed on the respondents, none appeared on behalf of the respondents.

3. In view of the above, this application is ordered as prayed for subject to compliance of Section 60 of C.P.C., the amount lying to the credit of the garnishee, shall be deposited before this Court to the credit of this application.

23.07.2020

Index:Yes/No

<http://www.judis.nic.in>

Internet:Yes/No

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