

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2020

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

A.No.9825 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.Narendra Shalikram Bagde,
S/o.Shalikram Bagde,
Annabhau Sathe Nagar, Peth – Bhudhawar,
katol, Nagpur, Maharashtra 441 302.

... Respondent

2.Nagar Parishad,
Katol,
Dist – Nagpur,
Maharashtra – 441 302.

... 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.6,62,062.41/- 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.1000/- 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 garnishee and further direct the garnishee 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 respondent and till enforcement of the award that may be ultimately passed in arbitration proceedings.

For Applicant : Mr.D.Pradeep Kumar

For Respondent : No Appearance

N.SATHISH KUMAR, J.

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ORDER

The present Application has been filed seeking to pass an order of prohibiting the garnishee from making payment upto a limit of Rs.6,62,062.41/- 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.1000/- 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 garnishee and further direct the garnishee 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 respondent and 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 respondent, none appeared on behalf of the respondent.

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.

22.07.2020

Index:Yes/No

Internet:Yes/No

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