



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 12TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

Arb. A.Nos. 18 & 19 of 2021

in

A.No.4169 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 Mrs.
Chabutai Hanumant Shinde & others
Arising under Loan Agreement
No.XVFPBKC00001712462 Dated
30.06.2016.

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 in all the
Applications

Versus

Mrs.Chabutai Hanumant Shinde,
W/o.Hanumant Tukaram Shinde,
Room No.11, Gajanan Niwas Chawl No.10,
Kokan Nagar, Bhandup, Mumbai,
Maharashtra 400 078.



2. Mr. Hanumant Tukaram Shinde,
S/o. Tukaram Shinde, Room No.11,
Gajanan Niwas Chawl, No.10,
Kokan Nagar, Bhandup, Mumbai,
Maharashtra 400 078.

...Respondents in
all the Applications

3. The Brihanmumbai Electricity Supply
and Transport (BEST)-
Brihanmumbai Municipal Corporation
Chief Depot Manager,
Best Bhavan, Best Marg, Kulaba,
Mumbai, Maharashtra 400 001.

... Garnishee in
all the Applications

Arb. A.No. 18 of 2021

Application praying that this Hon'ble Court be pleased to raise the prohibitory order dated 29/08/2019 made in A.No.4169 of 2018 whereby prohibiting the Garnishee from making payment upto a limit of Rs.19,83,102.43 to the Respondent by withholding the salary of respondent 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 deposit the amount of salary so withheld every month to the credit of the above application.

Arb. A.No. 19 of 2021

Application praying that this Hon'ble Court be pleased to order payment out of a sum of Rs.54,000/- standing to the credit of Application

No. 4169 of 2018 as Court deposit, by issue of cheque in favor of the Applicant.



These applications coming on this day before this court for hearing in the presence of Mr.D. Pradeep Kumar, Advocate for the Applicant herein, and upon reading the Judges summons and the affidavit of S.Sivasubramanian filed in A.Nos. 18 & 29 of 2021 and the certificate of funds filed in A.No. 19 of 2021 and the order dated 29/08/2019 made in A.No. 4169/2018 and the learned counsel for the applicant having submitted that pursuant to the salary attachment, the matter has been settled and hence, the prohibitory Order passed by this Court may be raised, and the learned counsel for the respondents has no objection in allowing these applications, **it is ordered as follows:-**

That the prohibitory order granted in pursuance of the order date 29/08/2019 made in A.No. 4169 of 2018, prohibiting the Garnishee from making payment upto a limit of Rs.19,83,102.43 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.1,000/- of the salary of the 2nd respondent and withholding 1/3rd of the remainder salary be and is hereby raised.

2. That the Registrar General of this Court do pay a sum of Rs. 54,000/- (Rupees Fifty Four Thousand Only) now in Court deposit standing to the credit of A.No. 4169 of 2018 to M/s. Cholamandalam



signatory the applicant herein, and issue a cheque there for in their favour.

WEB COPY WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
12TH DAY OF JULY 2021.

Sd/-

ASSISTANT REGISTRAR (Comm. Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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03/08/2021

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Arb. A.Nos. 18 & 19 of 2021
in
A.No.4169 of 2018

ORDER

DATED : 12.07.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 05/08/2021

APPROVED ON: 05/08/2021

Copy to:-

1. The Registrar General,
High Court, Madras.
2. Accounts Section.



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Chief Depot Manager,
Best Bhavan, Best Marg, Kulaba,
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... Garnishee in
all the Applications

Arb. A.No. 18 of 2021

Application praying that this Hon'ble Court be pleased to raise the prohibitory order dated 29/08/2019 made in A.No.4169 of 2018 whereby prohibiting the Garnishee from making payment upto a limit of Rs.19,83,102.43 to the Respondent by withholding the salary of respondent 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 deposit the amount of salary so withheld every month to the credit of the above application.

Arb. A.No. 19 of 2021

Application praying that this Hon'ble Court be pleased to order payment out of a sum of Rs.54,000/- standing to the credit of Application

No. 4169 of 2018 as Court deposit, by issue of cheque in favor of the



Applicant.

WEB COPY This Application coming on this day before this court for hearing and
the court made the following order:-

These applications have been filed to raise the prohibitory Order passed by this Court in A.No.4169 of 2018 dated 29.08.2019.

2. The learned counsel for the applicant submitted that pursuant to the salary attachment, the matter has been settled and hence, the prohibitory Order passed by this Court may be raised.

3. The learned counsel for the respondents has no objection in allowing these applications.

4. Having regard to the fact that the matter has been settled, these applications are Ordered as prayed for.

Sd./-N.S.K.J.

12/07/2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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