

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 16TH DAY OF APRIL 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.411 of 2021

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of Disputes between
M/s.Equitas Small Finance Bank
Limited and MR.JAVED
ALLAUDDIN PATHAN, and another
Arising under Loan Agreement Dated
23.05.2017 bearing Loan Agreement
No. SLWADI0142275

M/S.EQUITAS SMALL FINANCE BANK LIMITED

4th Floor, Phase -I, Spencer Plaza,

769, Anna Salai, Chennai

Tamil Nadu - 600 002

Represented by its Authorised Signatory

Mr.R.S.Bharath (Emp.NO.31681)

..Applicant

-Vs-

1. MR.JAVED ALLAUDDIN PATHAN,

At 2243/B/8,

Mahendra Nagar Road,

Ekta Colony, Near Water Tank,

Near NIT Ground, Dr.Ambedkar Marg,

Nagpur, Maharashtra - 440 017.

..Borrower/Respondent-1

2. MR.MANGALA ALLAUDDINKHAN PATHAN,

At 2243/B/8, Mahendra Nagar Road,

Ekta Colony, Near Water Tank,
Near NIT Ground, Dr.Ambedkar Marg,
Nagpur, Maharashtra - 440 017.

..Co.Borrower / Respondent-2

3. M/S.PRINCIPAL ACCOUNTANT GENERAL (A AND E)-II
Indian Audit and Accounts Department Nagpur,
Maharashtra 440 001.

..Garnishee/Respondent-3

Application praying that this Hon'ble Court be pleased to pass an order prohibiting the Garnishee from making payment up to a limit of Rs.2,93,260.43/- withholding the salary of 1st 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 1st respondent and withholding 1/3rd of the remainder salary and restrain the 1st respondent from receiving the salary amount so withheld from the Garnishee/Respondent-3 and further direct the Garnishee/Respondent-3 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 to prohibit the garnishee from making payment up to the limit of Rs.2,93,260.43 withholding the salary of the first respondent and restrain the first respondent from receiving the salary amount so withheld by the garnishee.

2. It is submitted by the learned counsel appearing for the applicant that award has already been passed in this matter.

3. In such view of the matter, this Court is not inclined to pass any order in this application and the applicant has to work out the remedy to execute the award. Accordingly, this application is closed.

Sd/.N.S.K.J.
16.04.2021

//Certified to be a true copy//

Dated this the th day of 2021.

su.26.04.2021

COURT OFFICER(O.S.)

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