

A.No.1197 of 2021

N.SATHISH KUMAR, J

This application has been filed to pass an order prohibiting the Garnishee from making payment upto a limit of Rs.29,55,441.49, to the respondent by withholding the salary of respondent every month to the extent as contemplated in Section 60 of CPC., viz., after deducting the first Rs.1,000/- 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 every month to the credit of the above application pending initiation and disposal of arbitration proceedings between the applicant and respondent and till enforcement of the award that may be ultimately passed in the arbitration proceedings.

2. Heard Mr.D.Pradeep Kumar, learned counsel for the applicant.

3. Learned counsel appearing for the applicant prays that salary is to be attached. It is to be noted that only on the basis of the procedure contemplated, under Section 60 of C.P.C., salary can be attached. Even if an award is passed, salary cannot be attached permanently or recovered fully. There must be an interval in every two years.

N.SATHISH KUMAR, J

mvs.

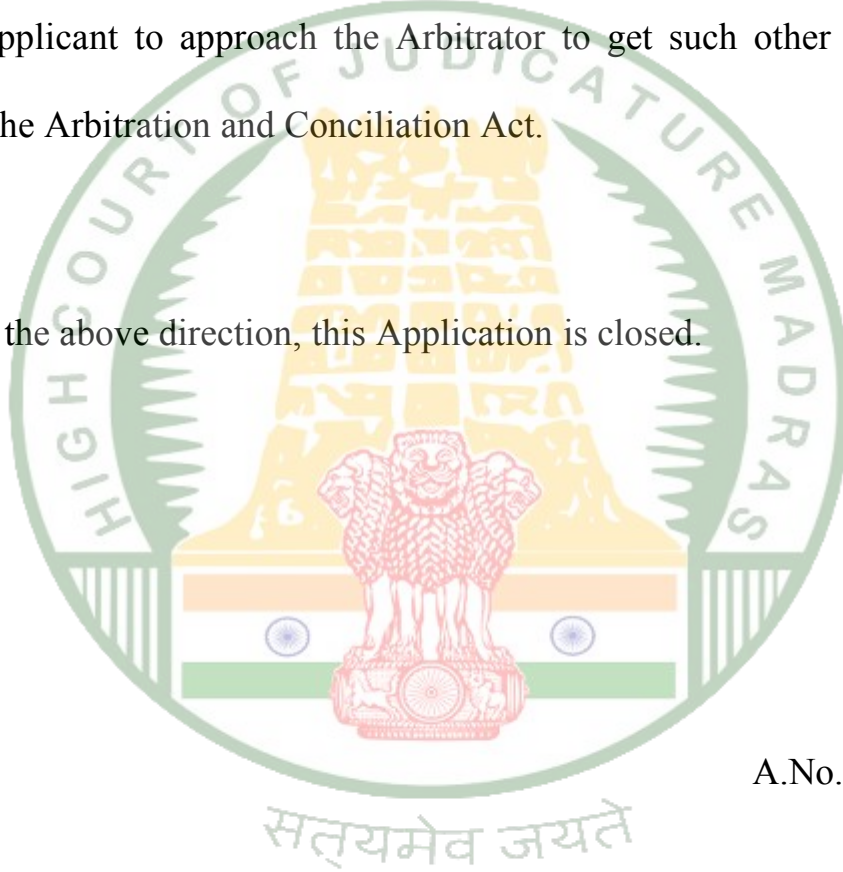
4. In such a view of the matter, there cannot be an attachment continuously.
It is for the applicant to approach the Arbitrator to get such other relief, under Section 17 of the Arbitration and Conciliation Act.

5. With the above direction, this Application is closed.

28/6/2021

mvs.

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