



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 21ST DAY OF JUNE 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.1341 of 2021

In the matter of Arbitration &  
Conciliation Act, 1996

and

In the matter of Disputes between  
M/s.Manapuram Finance Limited and  
Mr.David Benjamin Ruban And  
others Arising under loan Agreement  
Dated 19.07.2019 bearing Loan  
Agreement  
MFTNRCLONS000005108344.

M/s.MANAPURAM FINANCE LIMITED,  
No.400 (116/1) Dr.Natesan Road,  
Triplicane, Chennai – 600 005,  
Represented by its Authorised Signatory,  
Mr.Maniarasan (Emp.No.62566).

... Applicant

Versus

1.David Benjamin Ruban,  
No.2/83, PE Koil, North Mada Street,  
United India Nagar, Ayanavaram,  
Chennai – 600 023.

... Borrower

2.V.Sathyavani,  
No.2/83, PE Koil, North Mada Street,  
United India Nagar, Ayanavaram,  
Chennai – 600 023.

...Co-Borrower-1



3.M/s CSI EWART MATRICULATION  
HIGHER SECONDARY SCHOOL,  
Alagappa Road, Purasaiwalkam,  
Chennai – 84.

... Garnishee  
... Respondents

Application praying that this Hon'ble Court be pleased to pass an order prohibiting the Garnishee from making payment upto a limit of Rs.4,80,240.24/- withholding the salary of 2<sup>nd</sup> 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 2<sup>nd</sup> respondent and withholding 1/3<sup>rd</sup> of the remainder salary and restrain the 2<sup>nd</sup> 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 in the presence of M/s A.S.Neela Narayani, Advocate for the Applicant herein, and upon reading the judges summons and affidavit of Mr.M.Maniarasan filed herein, the court made the following order:-



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This application has been filed to pass an order prohibiting the Garnishee from making payment upto a limit of Rs.4,80,240.24 withholding the salary of second 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 second respondent and withholding 1/3<sup>rd</sup> of the remainder salary and restrain the second respondent from receiving the salary amount so withheld from the Garnishee/respondent No.3 and further direct the Garnishee/respondent No.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 respondents and till enforcement of the award that may be ultimately passed in the arbitration proceedings.

2. Heard Ms.A.S.Neela Narayani, learned counsel for the applicant.

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



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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.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,  
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE  
21<sup>st</sup> DAY OF JUNE 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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09.07.2021

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A. No.1341 of 2021

ORDER

DATED : 21.06.2021

THE HON'BLE MR. JUSTICE  
N.SATHISH KUMAR

FOR APPROVAL: 13.07.2021

APPROVED ON: 19.07.2021



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Sd./-N.S.K.J.  
21.06.2021

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