

Application No.1747 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.3,08,769/-, to the 2nd Respondent by withholding the salary of 2nd respondent every month to the extent as contemplated in Section 60 of CPC viz., after deducting first Rs.1,000/- of the salary of the 2nd respondent and withholding 1/3rd of the remainder salary and restrain the 2nd 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 respondents 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

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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.

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.

24.06.2021

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