

Application No.2047 of 2021
V.PARTHIBAN, J.

This Application is filed to pass an order prohibiting the Garnishee from making payment upto a limit of Rs.6,80,319.13/- to the respondent by withholding the salary of 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 respondent and withholding 1/3rd of the remainder salary and restrain the respondent from receiving the salary amount so withheld from 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.The case of the applicant is that the respondent has availed loan of Rs.9,74,751/- along with interest under Loan Agreement No.XSHUCDR00003311396 dated 14.11.2019 in respect of Vehicle Maruti Suzuki Ertiga. The loan to be repaid in 64 monthly installments. The date of first installment was on 15.12.2019 and the installments were to run till 15.03.2025. The respondent has paid initial few installments and thereafter the respondent has become chronic defaulter. It is further submitted that respondent

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has secreted the vehicle and as such the applicant is unable to seize the vehicle. The learned counsel for the applicant would submit that if the amount due to the applicant is not secured by issuance of Garnishee order, the applicant will be greatly prejudiced and will not be able to recover the amount due.

3.Despite notice being served as early as on 14.06.2021 and affidavit of service has also been filed, there is no representation on behalf of the respondent.

4.This Court is satisfied with the submissions made on behalf of the learned counsel for the applicant and also with the reasons stated in the affidavit filed in support of the Application. Accordingly, this Application stands allowed.

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23.07.2021

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