

Application No.3708 of 2019

V.PARTHIBAN, J.

This Application is filed to pass an order prohibiting the Garnishee from making payment upto a limit of Rs.2,60,508/- to the first respondent by withholding the salary of first 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 first respondent and withholding 1/3rd of the remainder salary and restrain the first 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 till enforcement of the award passed in the arbitration proceedings.

2.The case of the applicant is that the first respondent has availed loan of Rs.3,85,000/- along with interest under Loan Agreement No.SLMHBNR0020524 dated 25.11.2013 in respect of Vehicle Eicher Light Commercial Vehicle. The loan was to be repaid in 36 monthly installments. The date of first installment was on 06.01.2014 and the installments were to run till 06.12.2016. The first respondent has paid initial few installments and thereafter, the first respondent has become chronic defaulter. It is further submitted that first respondent has secreted

V.PARTHIBAN, J.

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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.This Court finds that the respondents 3 and 4 have been served and their names have also been printed in the cause list. But, there is no representation on behalf of them. As far as the respondents 1 and 2 are concerned, they refused to receive the notice.

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.

19.08.2021

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