



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

SATURDAY, THE 17TH DAY OF APRIL 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A.No.3260 of 2020

In the matter of Arbitration &
Conciliation Act 1996

And

In the matter of Disputes between
M/S.CHOLAMANDALAM
INVESTMENT AND FINANCE
CO. LTD., and
MR.SATHEESHKANNAN K.
Arising under Loan Agreement
No.XVFPTNY00002231257
Dated 31.12.2017.

M/S.CHOLAMANDALAM INVESTMENT AND FINANCE CO. LTD.,
No.45, Justice Basheer Ahmed Sayeed Building,
IInd Floor, 2nd Line Beach,
Moore Street, Parrys,
Chennai - 600 001.,
Represented by its Authorised Signatory. ..Applicant

-Vs-

1. MR.SATHEESHKANNAN K.
S/o.Kasinathan,
No.75, A-16,
4th Floor Customs Excise Apts,
Ezhilagam, Church Main Road,
Perungudi, Chennai - 600 096.

..Respondent



2. M/S.ANNA BUILDERS REAL ESTATE PRIVATE LIMITED

No.150 and 151, Alpha Center,
4th Floor, North Usman Road,
T.Nagar, Chennai-600 017.

..Garnishee

Application praying that this Hon'ble Court be pleased to pass an order prohibiting the Garnishee from making payment upto a limit of Rs.3,71,898.86/- 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 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.

This Application coming on this day before this court for hearing the court made the following order:

This application has been filed to prohibit the garnishee from making payment up to the limit of Rs.3,71,898.86 withholding the salary of the respondent and restrain the respondent from receiving the salary amount so withheld by the garnishee.



2. It is to be noted that the default has been committed long back.

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The applicant has not brought to the notice of this whether arbitration proceedings has been initiated. It is also not known whether any amount is due or not and the same has to be decided only in the arbitration proceedings. Therefore, without evidence to that aspect, this Court cannot pass any interim Order. Further, the above conduct of the applicant indicate that there is no manifest intention on the part of the petitioner to initiate arbitration proceedings.

3. In such view of the matter, this Court is not inclined to entertain this application. Accordingly, this application is closed.

Sd/.N.S.K.J.
17.04.2021

//Certified to be a true copy//

Dated this the th day of 2021.

su.17.06.2021/23.07.2021

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.