

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 16TH DAY OF APRIL 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.7550 of 2019

In the matter of Arbitration &
Conciliation Act, 1996

and

In the matter of Disputes between
M/s.Equitas Small Finance Bank
Limited and MR.SHILPA LALIT
DESHMUKH, and others Arising
under Loan Agreement Dated
30.06.2018 bearing Loan Agreement
No. SLAYDNR0189460.

M/S.EQUITAS SMALL FINANCE BANK LIMITED,
4TH FLOOR, PHASE-II, SPENCER PLAZA,
769 ANNA SALAI, CHENNAI,
TAMILNADU - 600 002.

REPRESENTED BY ITS
AUTORISED SINGATORY MR.R.S.
(EMP.NO.31681)

..Applicant

-Vs-

1. MR.SHILPA LALIT DESHMUKH,
S/O.LALIT DESHMUKH,
PLOT NO.162, GOPAL KRISHNA NAGAR,
WATHODA KHARBI ROAD,
AYODHYA NAGAR,
NAGPUR, MAHARASHTRA,
INDIA - 440 024.

..Borrower / Respondent-1

2. MR.INDUTAI KAVDUJI NIMSADE
 PLOT NO.162, GOPAL KRISHNA NAGAR,
 WATHODA KHARBI ROAD,
 AYODHYA NAGAR,
 NAGPUR, MAHARASHTRA,
 INDIA - 440 024.

..Co.Borrower-1 / Respondent-2

3. MR.KAWADU TULSIRAM NIMSADE
 PLOT NO.162, GOPAL KRISHNA NAGAR,
 WATHODA KHARBI ROAD,
 AYODHYA NAGAR,
 NAGPUR, MAHARASHTRA,
 INDIA - 440 024.

..Co.Borrower-2 / Respondent-3

4. M/S.ZILHA PARISHAD WATER WORKS DEPARTMENT
 MAUDA PANCHAYAT SAMITI,
 BANDH KAAM VIBHAG,
 AT MAUDA, DIST NAGPUR (MS),
 PINCODE - 441 104.

..Garnishee / Respondent-4

Application praying that this Hon'ble Court be pleased to pass an order prohibiting the Garnishees from making payment upto a limit of Rs.3,01,891/- to the 1st Respondent by withholding the salary of 1st 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 1st respondent and withholding 1/3rd of the remainder salary and restrain the 1st respondent from receiving the salary amount so withheld from the Garnishee/Respondent 4 and further direct the Garnishee/Respondent - 4 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.3,01,891/- withholding the salary of the first respondent and restrain the first respondent from receiving the salary amount so withheld by the garnishee.

2. It is submitted by the learned counsel appearing for the applicant that award has already been passed in this matter.

3. In such view of the matter, this Court is not inclined to pass any order in this application and the applicant has to work out the remedy to execute the award. Accordingly, this application is closed.

Sd/.N.S.K.J.
16.04.2021

//Certified to be a true copy//

Dated this the th day of 2021.

su.27.04.2021

COURT OFFICER(O.S.)