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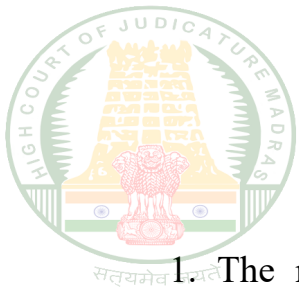
**A.No.2516 of 2025  
in  
E.P No.269 of 2013  
and  
A.No.1215 of 2026  
in  
E.P No.268 of 2013**

**MASTER  
07.07.2026**

**COMMON ORDER**

1. There are two applications filed before this Court. Both the applications have been filed by the applicant/deGREE holder in both the E.Ps seeking to amend column 12 and description of property in the schedule to the execution petition in E.P No.268 of 2013 and E.P No.269 of 2013.

2. Heard both side counsels and materials on record perused. The learned counsel for the petitioner submitted that originally the execution petitions in E.P No.268 of 2013 and E.P No.269 of 2013 were filed under Order 21, Rule 54 and 64 of the Code of Civil Procedure for attachment and sale of the property described in the schedule of the execution petition. Now, the present applications are filed to amend the provision and prayer in the execution petitions from attachment and sale of immovable property mentioned in the execution petition to attachment of the bank account belonging to the Judgment debtor morefully described in this application under Order 21, Rule 43 and 64 of C.P.C. The counsel for the petitioner further submitted that the reason seeking for the present amendment is that the schedule mentioned property in the execution petition is a Government building used for public purpose and attaching the said property and bringing it up for sale will be impractical involving tedious and time consuming process. Recently, they were able to identify the bank account of the Judgment debtor and so they have filed the present application seeking attachment of the said bank account so as to enforce the award and ensure prompt payment of the awards passed on 29.09.2011 and 06.10.2012.



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1. The respondent in both the applications has initially filed his counter in A.No.2516 of 2025 and also submitted their arguments. Later, has made an endorsement that the counter filed by them in A.No.2516 of 2025 shall be adopted in A.No.1215 of 2026 which is also similar application and the counsel for the respondent also adopted the arguments made by him in A.No.2516 of 2025 for arguments in A.No.1215 of 2026. The two main objection raised by the respondent in his counter is that firstly, the provision under which the petitioner has sought for amendment under Order 21, Rule 43 and 64 of C.P.C, 1908 does not pertain to attachment of bank account and hence these amendment applications are liable to be dismissed. The second contention is that Section 60 of C.P.C entails a list of properties that can be attached and properties which cannot be attached, in the said proviso attachment of bank accounts does not find place. Likewise, a Government undertaken departments bank account cannot be attached as it holds the funds of the public and so these petitions are liable to be dismissed.

2.

4. The scope of the present applications before this court is confined only to the question whether amendment sought in the execution petition should be permitted or not? It is well settled proposition of law that procedural law is intended to advance the cause of justice and amendments in execution proceedings are ordinarily to be allowed if they are to facilitate the execution of the decree and do not alter the nature of the decree or cause prejudiced to the Judgment debtor. The proposed amendment now sought for by the applicant in both the applications does not seek to vary the awards dated 29.09.2011 and 06.10.2012 or introduce a fresh cause of action. It merely seeks to adopt a different mode of execution in view of the subsequent discovery that the property originally sought for attachment is a Government building used for public purpose.

5. It is true that the attachment of a bank account is ordinarily governed by



Order 21, Rule 46 of C.P.C relating to attachment of debts and not by Order 21, Rule 43 of C.P.C. However, a wrong or incorrect reference to a statutory provision is not by itself fatal if the court otherwise possess jurisdiction to grant the relief. In this regard this court relies upon the Judgment in Salem Advocate Bar Association –Vs– Union of India wherein it is observed that procedural provisions should be construed advance the cause of justice rather than defeat it. Similarly, our Hon'ble High Court have consistently taken the view that the execution proceedings are not to be defeated by technicalities. In view of the same this court is of considered opinion that the proposed amendment neither changes the decree nor will cause any prejudice to the Judgment debtor if these applications are allowed. The other contentions raised by the Judgment debtor that Section 60 of C.P.C does not contemplate attachment of bank accounts and the bank account maintained by the Government department is absolute immune from attachment are matters to be examined independently at the stage of considering the prayer for attachment.

Accordingly, these applications are allowed. No cost.

**MASTER**