

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2016

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA

CRP(NPD)No.902 of 2016

and

C.M.P.No.4978 of 2016

1. D.Gunasekaran

2. S.Karunanidhi

3. V.Rajangam

.... Petitioners/Judgment Debtors

..VS..

The Foreman,

Jayapriya Chit Funds Private Limited,

Cuddalore Branch,

Cuddalore District.

.... Respondent/Decree Holder

Civil Revision Petition filed under Article 227 of the Constitution of India, praying to take E.A. petition on the file of the Additional Sub-Ordinate Judge-I, Cuddalore, Cuddalore District in E.P.No.135 of 2015 in AR.No.475 of 2014 dated 04.02.2016 and to allow the revision petitioners herein to contest the application under Section 151 of C.P.C. in the said application.

For Petitioners : Mr.M.Arumugam

ORDER

The revision petitioners are stated to be the guarantors and the respondent herein has filed Execution Petition under Order 21

Rule 48 C.P.C. seeking recovery of the amount awarded. The contention of the revision petitioners is that the order of salary attachment is against the provisions of Section 60 C.P.C. Had the salary certificate been produced, it would have been possible to find out whether the order of attachment is in accordance with Section 60 C.P.C. or against Section 60 C.P.C.

2. But, it is fairly admitted that the salary certificates were not filed before the Executing Court.

3. Therefore, liberty is granted only to the extent of producing the salary certificates of the revision petitioners before the Executing Court, within a period of two weeks from the date of receipt of a copy of this order. On production of the salary certificates, the Executing Court shall determine the amount of salary, which is liable to be attached.

4. Accordingly, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.03.2016

ogy

To

1. The learned Additional Sub-ordinate
Judge-I, Cuddalore,
Cuddalore District.

S.VIMALA, J.

ogy

CRP(NPD)No.902 of 2016

21.03.2016