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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-3254-2015

Date of Decision : May 10th, 2016

Sneh Lata

.... Petitioner

Versus

Krishna Devi

.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present Mr. Ravish Bansal, Advocate,
for the petitioner.

Mr. Deepak Aggarwal, Advocate,
for the respondent.

SHEKHER DHAWAN, J.

Present revision petition under Article 227 of the Constitution of India is challenge to the order dated 11.2.2015 [Annexure P/1] passed by Civil Judge [Senior Division], Bathinda whereby salary of the petitioner was attached in a suit for recovery.

Learned counsel for the petitioner submitted that as per provisions of Section 60(1)(i) of the Code of Civil Procedure, 1908, 1/3rd salary can be attached whereas the Executing Court has ordered attachment of 2/3rd of salary and as such, the same is liable to be set-aside.

Learned counsel for the respondent while arguing on the point

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In the present case, the decree is not a decree for maintenance, but is a decree passed in a suit for recovery and the provisions of Section 60(1)(i) CPC shall be operative and the Court below has misread the relevant provision. As such the order dated 11.2.2015 [Annexure P/1] stands set-aside and the present petition is disposed of with a direction that the Executing Court shall proceed with the satisfaction of the decree as per relevant provisions incorporated under Section 60(1)(i) CPC.

The petition stands disposed of in the above terms.

(SHEKHER DHAWAN)
JUDGE

May 10th, 2016
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