

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**1. CR-7258-2017 (O&M)
Decided on: 15.12.2017**

Sarita Suri and others

.... Petitioners

Versus

Allahabad Bank and others

..... Respondents

**2. CR-8274-2017 (O&M)
Decided on: 15.12.2017**

Rakesh Kumar Suri through his Legal Heirs

..... Petitioners

Versus

Allahabad Bank and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Sanjay Tangri, Advocate for the petitioners.

Mr. Akhilesh Vyas for respondent No.1 in both the cases.

Mr. Vinish Singla, Advocate,
for respondent No. 3 in CR-7258-2017 &
for respondent No.7 in CR-8274-2017.

Mr. Vikas Sharma, Advocate
for respondent No.4 in CR-7258-2017 &
for respondent No.3 in CR-8274-2017.

Ms. Jyoti Sareen, Advocate for the applicant.

B.S. WALIA, J (ORAL)

[1] Learned counsel for the parties are *ad idem* that the matter can be disposed of by directing the learned Executing Court to decide the objections filed by the LRs of deceased Rakesh Kumar Suri JD by taking into account the plea that retiral funds are exempt from attachment in terms of Section 60(1)(g) of the CPC as also Section 4 read with Section 13 of the

Payment of Gratuity Act, 1972 , as well as the decision of the Hon'ble Supreme Court in 'Calcutta Dock Labour Board & Another versus Smt. Sandhya Mitra & Others', 1985 AIR 996.

[2] The statement of the counsel for the parties is taken on record. Accordingly, the revision petition are disposed of by granting liberty to the petitioners herein to approach the learned Executing Court for a decision on merit in accordance with law with regard to the objections filed by them before the learned Executing Court pertaining to the attachment of retiral benefits of deceased-Rakesh Kumar Suri. The same be decided by the learned Executing Court as expeditious as possible preferably within a period of four weeks from today while keeping in view the fact that JD Rakesh Kumar Suri died on 25.06.2015 and the amount claimed by the petitioners' LR's represents the terminal benefits payable to the widow and other LR's of the deceased JD.

CM Nos.26648 & 26926-CII of 2017

[1] In view of the orders aforesaid, learned counsel for the applicant Nakodar Hindu Urban Cooperative Bank does not press CM No.CM-26648-CII-2017 and CM-26926-CII-2017 by stating that the applicant would take recourse to the remedy as is available to it in accordance with law. The statement of learned counsel for the applicant-bank is taken on record. Accordingly, CM Nos.26926-CII-2017 & CM-26648-CII-2017 are disposed of as not pressed in the light of the statement of learned counsel for the applicant.

[2] It is further ordered that till such time objections already filed by the petitioners' LR's of the deceased JD Rakesh Kumar Suri are decided, the amount which has been attached by the Executing Court would not be

disbursed to the decree-holder.

(B.S. WALIA)
JUDGE

15.12.2017

Dinesh

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No