



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.04.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P (MD)No.1981 of 2017

and

C.M.P (MD)No.10006 of 2017

P.Ravikumar ... Petitioner/
Judgment-Debtor/ Defendant
Vs.
1.R.Gandhimathi ... 1st Respondent/
Decree-Holder/Plaintiff
2.The Executive Engineer,
Tamil Nadu Electricity Board,
Nadupatti,
Manaparai Taluk,
Trichy District. ... 2nd Respondent/
Garnishee/3rd party
(Cause title accepted, vide Court order, dated,
30.11.2017 made in C.M.P (MD)No.11011 and 11012 of
2017)

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India against the Garnishee order passed in E.P.No.9 of 2015 in O.S.No.23 of 1997, dated, 07.09.2017 on the file of the learned Subordinate Judge, Kulithalai.

For Petitioner : Mr.K.Sivabalan

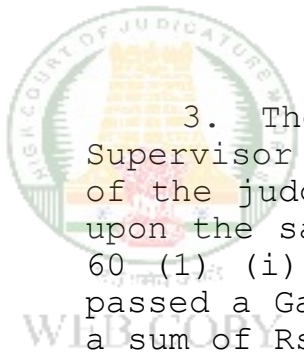
For Respondents : Mr.K.Govindarajan
for 1st Respondent

No Appearance
for 2nd Respondent

ORDER

The judgment-debtor is the revision petitioner herein.

2. The judgment-debtor suffered an ex-parte money decree in O.S.No.23 of 1997 on the file of Sub-Court, Kulithalai on 13.12.2008. The said decree was put to execution by the decree-holder/plaintiff in E.P.No.9 of 2015.



3. The revision petitioner/judgment-debtor is working as a Supervisor in Tamil Nadu Electricity Board. The salary certificate of the judgment-debtor was placed before the Executing Court. Based upon the salary certificate and also in due compliance with Section 60 (1) (i) of the Code of Civil Procedure, the Executing Court has passed a Garnishee order, directing the Electricity Board to recover a sum of Rs.20,000/- (Rupees Twenty Thousand only) per month from the salary of the judgment-debtor. The said order is put to challenge in the present revision petition.

4. Heard the learned counsel for the revision petitioner as well as the learned counsel appearing for the respondents.

5. The learned counsel for the petitioner has contended that the salary certificate of the petitioner has not been properly appreciated by the Executing Court and the Executing Court has exceeded in its jurisdiction in passing a Garnishee order, especially, to a tune of about Rs.20,000/- (Rupees Twenty Thousand only) per month.

6. I have carefully perused the salary certificate of the revision petitioner. The gross salary of the petitioner is Rs.68,760/- (Rupees Sixty Eight Thousand Seven Hundred and Sixty Rupees only) per month and after statutory deductions, the petitioner is receiving Rs.24,822/- (Rupees Twenty Four Thousand Eight Hundred and Twenty Two Rupees only) as on July 2017. The salary referred to in Section 60 (1) (i) of the Code of Civil Procedure is only the gross salary and not the net salary.

7. Hence, I do not find any illegality in the order passed by the Executing Court in the execution proceedings. The Garnishee order of Executing Court is confirmed. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

1.The Subordinate Judge,
Kulithalai.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1 CC to M/s.K. GOVINDARAJAN, Advocate (SR-19029[F] dated
18/04/2022)

C.R.P (MD)No.1981 of 2017
13.04.2022

RK(16/05/2022) 3P 5C