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C.R.P.[NPD].No.5039 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.12.2024

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.[NPD]No.5039 of 2024

1.A.Yuvaraj, (JD-1)

S/o.Ayyappan,
Desg-B, C, Waitman,
ECPF No.196393,
PF.No.196393/100416419561,
Tamil Nadu Civil Supply Corporation,
Chennai, South Zone,
No.9 Conransmith Road,
Gopalapuram, (Opp.to Diabetes Hospital),
Chennai - 600 086.

2.C.Jayachandran, (JD-4),

S/o.Chinnasamy
Desg-PKR – Waitman,
ECPF No.155451,
PF. No. 155451/100173812818,
Tamil Nadu Civil Supply Corporation,
Chennai, South Zone,
No.9 Conransmith Road,
Gopalapuram, (Opp.to Diabetes Hospital),
Chennai - 600 086.



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3.S.Gopaldoss,
S/o.Subramanian,
Desg – B.C. Schedule Writer,
ECPF No.146230/100154058323,
Tamil Nadu Civil Supply Corporation,
Chennai, South Zone,
No.9 Conransmith Road,
Gopalapuram, (Opp.to Diabetes Hospital),
Chennai - 600 086.

.. Petitioners

Vs.

1.Dhanalakshmi Srinivasan Chit Funds (P) Ltd.,
Rep. by its Foreman/Law Officer,
R.Prabhu
Branch – Mylapore
No.39, 2nd Floor,
Venkatesa Agraharam Street,
Mylapore, Chennai – 600 004.

2.N.Ganesan
S/o.Nagooran,
Desg-PKR, Waitman,
ECPF No.870083,
PF.No.870083/100149935294,
Tamil Nadu Civil Supply Corporation,
Chennai, South Zone,
No.9 Conransmith Road,
Gopalapuram, (Opp.to Diabetes Hospital),
Chennai - 600 086.



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3.S.Edwin Marshal
S/o.Soosai Manickam,
Desg-Bill Clerk.,
ECPF No.146449,
F.No.146449/100144820262,
Tamil Nadu Civil Supply Corporation,
Modern Rice Mill, Thirunageshwaram,
Tamil Nadu - 612 204.

.. Respondents

Prayer: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the order dated 19.09.2024 in E.P.No.1989 of 2022 in ARC No.147 of 2021 passed by the learned IX Asst.City Civil Court, Chennai.

For Petitioners : Mr.R.Subramaniyan

ORDER

This Civil Revision Petition has been filed seeking to set aside the order dated 19.09.2024 in E.P.No.1989 of 2022 in ARC No.147 of 2021 passed by the learned IX Asst.City Civil Court, Chennai.

2.Originally, an Award, dated 19.09.2021 has been passed against the revision petitioners for a sum of Rs.2,57,610/- together with interest at 24% p.a. from the date of the claim til the date of realization. To enforce the



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award, the first respondent herein moved an execution petition in E.P.No.1989 of 2022. A total sum of Rs.3,20,070/- was sought to be recovered.

3.The Executing Court, vide order dated 19.09.2024, ordered 1/3rd attachment of the salaries of the petitioners for a period of 24 months. The grievance of the petitioner is that no specific amount has been mentioned in the order while ordering 1/3rd attachment and further, though the Executing Court recorded the fact that the petitioners paid Rs.40,000/-, but it was not deducted from the decretal amount. However, while issuing a communication to the Guarnee, a sum of Rs.3,20,110/- has been correctly reflected. But, in the Pro-order it has been wrongly mentioned as Rs.12,80,440/- which is totally against the E.P. and the same is liable to be set aside.

4.It appears that after receipt of the communication from the Executing Court, there was a confusion created since the Superintendent, while forwarding a letter dated 18.11.2024 seeking for attachment of the



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salaries of the petitioners, mentioned a total sum of Rs.12,88,440/-, which is contrary to the original claim sought for by the first respondent.

5.Considering the above, this Court directs the Executing Court to issue fresh communication to the Guarnishee only to recover the EP amount alone. Further, since it is reported by the learned counsel for the petitioner that a sum of Rs.40,000/- has already been paid by the petitioners pursuant to the direction of the Executing Court, the same has to be deducted from the total decretal amount.

6.Accordingly, the Revision Petition is disposed of on the above terms. No costs.

10.12.2024

rst

Index : Yes/No

Internet: Yes/No

Speaking/Non-Speaking Order

To:

The IX Assistant City Civil Court,
Chennai.

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N.SATHISH KUMAR, J.

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