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C.R.P.(MD)No.151 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.151 of 2024
and C.M.P.(MD).No.630 of 2024

C.Gopal

... Petitioner/Respondent/Defendant

Vs.

C.Meiyappan

... Respondent/Petitioner/Plaintiff

PRAYER : Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order made in E.P.No. 31 of 2022 in O.S.No.837 of 2020 on the file of the Principal Sub Court, Karur, Dated 09.02.2023.

For Petitioner : Mr.S.Gokul Raj

For Respondent : Mr.E.K.Kumaresan

ORDER

This petition has been filed against the fair and decreetal order made in E.P.No.31 of 2022 in O.S.No.837 of 2020 on the file of the Principal Sub Court, Karur, Dated 09.02.2023.



C.R.P.(MD)No.151 of 2024

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2.The facts in brief:

The suit in O.S.No.837 of 2020 was decreed in favour of the respondent herein, directing the revision petitioner herein to pay a sum of Rs.5.642 lakhs with subsequent interest and costs. The decree was put on execution by the decree holder by filing E.P.No.31 of 2022. Attachment of salary of the revision petitioner was ordered at the rate of Rs.19,000/- per month till the statutory period. Against which this revision is preferred.

3.The learned counsel for the revision petitioner would submit that the total gross salary is Rs.81,672/- as Ex.P.1. But after deductions the carry home pay of the revision petitioner is only Rs.45,143/-.

4.It appears that at present the total gross salary amount is Rs. 1,18,066/-. Total deduction is Rs.72,923/-. The execution Court has though it fit to attach 1/3rd of the above said amount taking into consideration of the total gross salary.



C.R.P.(MD)No.151 of 2024

5. Even though the learned counsel for the revision petitioner would submit that only net amount must be taken into account, but that is not acceptable. The petitioner is entitled for deduction of the statutory amount only and not beyond that. But, however, considering the fact that carry home pay of the revision petitioner is Rs.45,123/-, the amount of attachment is reduced to Rs.15,000/- starting from this month. It will take effect only from this month.

6. With the above said modification, this revision petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

1. The Principal Subordinate Judge, Karur.

2. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA,J.

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