



C.R.P.No.3705 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.3705 of 2024

K.Kanthan

... Petitioner

Vs.

1.T.R.Shanmugam

2.Karthikeyan

3.The Forest Range Officer, Santhavasal Village,
Polur Taluk, Thiruvannamalai.

4.The District Forest Officer,
Thiruvannamalai.

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 05.04.2024 passed in O.E.A.No.94 of 2013 in O.E.P.No.20 of 2003 in O.S.No.261 of 1998 on the file of the Principal District Munsif Court, Cheyyar.

For Petitioner	:	Mr.K.Balamurali for Mr.Shivakumar and Suresh
For R3 and R4	:	Mr.T.Arunkumar Additional Government Pleader
R1 and R2	:	No such person (unserved)



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ORDER

Challenging the order passed by the Principal District Munsif, Cheyyar, dated 05.04.2024, in O.E.A.No.94 of 2013 in O.E.P.No.20 of 2003 in O.S.No.261 of 1998, rejecting the application filed by the petitioner under Order XXI Rule 46B CPC as against the garnishee to comply with the directions of the Execution Court, the present revision has been filed.

2.The petitioner/decreed holder has filed the Execution Petition in O.E.P.No.20 of 2003 to enforce the money decree in O.S.No.261 of 1998, dated 06.12.2000, passed against the respondents 1 and 2. The 2nd respondent is working as a Forest Ranger. The Execution Court ordered attachment of salary of the 2nd judgment debtor/2nd respondent. The 3rd respondent is the garnishee/disbursing officer. However, the disbursing officer has not attached the salary of the 2nd respondent. Therefore, the present application has been taken out by the decree holder to punish the garnishee.

3.The Execution Court rejected the application on the ground that the



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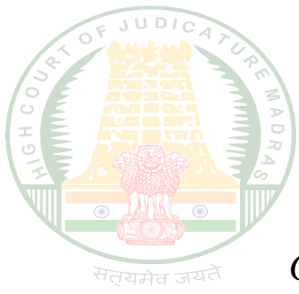
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appropriate application would be under Order XXI Rule 48 CPC, since the garnishee is a Government servant and any order as against the garnishee, who is a Government servant, will bind on the appropriate Government. Challenging the same, the present revision has been filed.

4.I have perused the entire materials available on record.

5.It is relevant to extract Order XXI Rule 48 CPC :

“48.Attachment of salary or allowances of servant of the Government or railway company or local authority.—
(1)Where the property to be attached is the salary or allowances of a servant of the Government or of a servant of a railway company or local authority or of a servant of a corporation engaged in any trade or industry which is established by a Central, Provincial or State Act, or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956)] the Court, whether the judgment-debtor or the disbursing officer is or is not within the local limits of the Court's jurisdiction, may order that the amount shall, subject to the provisions of section 60, be withheld from such salary or allowances either in one payment or by monthly instalments as the Court may direct; and upon notice of the order to such officer as the appropriate



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Government may by notification in the Official Gazette appoint in this behalf,—

(a) where such salary or allowances are to be disbursed within the local limits to which this Code for the time being extends, the officer or other person whose duty it is to disburse the same shall withhold and remit to the Court the amount due under the order; or the monthly instalments, as the case may be;

(b) where such salary or allowances are to be disbursed beyond the said limits, the officer or other person within those limits whose duty it is to instruct the disbursing authority regarding the amount of the salary or allowances to be disbursed shall remit to the Court the amount due under the order; or the monthly instalments, as the case may be, and shall direct the disbursing authority to reduce the aggregate of the amounts from time to time, to be disbursed by the aggregate of the amounts from time to time remitted to the Court.

(2) Where the attachable proportion of such salary or allowances is already being withheld and remitted to a Court in pursuance of a previous and unsatisfied order of attachment, the officer appointed by the appropriate Government in this behalf shall forthwith return the subsequent order to the Court issuing it with a full statement of all the particulars of the existing attachment.



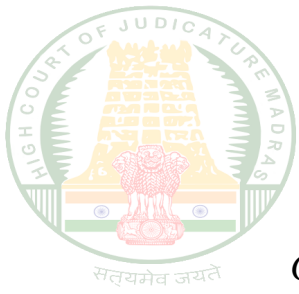
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(3) Every order made under this rule, unless it is returned in accordance with the provisions of sub-rule (2) shall, without further notice or other process, bind the appropriate Government or the railway company or local authority or corporation of Government company, as the case may be, while the judgement-debtor is within the local limits to which this Code for the time being extends and while he is beyond those limits, if he is in receipt of any salary or allowances payable out of the Consolidated Fund of India or the Consolidated Fund of the State or the funds of a railway company or local authority or corporation or Government company in India; and the appropriate Government or the railway company or local authority or corporation or Government company, as the case may be, shall be liable for any sum paid in contravention of this rule.

Explanation.—*In this rule, “appropriate Government” means,*

(i) As respects any person in the service of the Central Government, or any servant of a railway administration or of a cantonment authority or of the port authority of a major port, or any servant of a corporation engaged in any trade or industry which is established by a Central Act, or any servant of a Government company in which any part of the share capital is held by the Central Government or by more than one State Governments or partly by the Central Government and partly by one or more State Governments, the Central



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Government;

(ii) As respects any other servant of the Government, or a servant of any other local or other authority, or any servant of a corporation engaged in any trade or industry which is established by a Provincial or State act, or a servant of any other Government company, the State Government.”

6.A perusal of the same makes it clear that, any order of attachment of salary passed, in the event of non-compliance of such order, will certainly bind on the appropriate Government. Therefore, this Court is of the view that the Execution Court is right in directing the petitioner to file an appropriate application under Order XXI Rule 48 CPC.

7.In such view of the matter, this Civil Revision Petition is dismissed. However, liberty is granted to the petitioner to file an appropriate application under Order XXI Rule 48 CPC before the Execution Court, making the Government as a party for disobeying the orders of the Execution Court. On such application being filed, the Execution Court shall decide the application in accordance with law and dispose of the same within a period of one month thereafter. No costs.



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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

1.The Principal District Munsif,
Cheyyar.

2.The Section Officer,
VR Section,
High Court, Madras.

N. SATHISH KUMAR, J.

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