



C.R.P.No.3754 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.3754 of 2024

S.Mani

... Petitioner

Vs.

1.P.Ramalingam

2.The General Manager (CFA) & CPIO,
B.S.N.L. Tamil Nadu,
Hospital Road,
Cuddalore – 607 001.

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to direct the Principal District Judge, Kallakurichi, to number the Execution Petition filed in E.P.SR.No.5764 of 2024 and to take the Execution Petition on file, within the time frame to be stipulated by this Court.

For Petitioner : Mr.K.Rajkumar
for Mr.R.Bharath Kumar

R1 : Unserved

For R2 : No appearance



C.R.P.No.3754 of 2024

WEB COPY

ORDER

Challenging the order of return made by the learned Principal District Judge, Kallakurichi, dated 29.07.2024, in E.P.SR.No.5764 of 2025, filed by the petitioner for attachment of the retirement benefits payable to the judgment debtor on his voluntary retirement, the present revision has been filed.

2.The petitioner/deGREE holder has presented the Execution Petition in E.P.SR.No.5764 of 2024 to enforce the decree in O.S.No.43 of 2023 filed for recovery of money, by attaching the amounts payable to the defendant/judgment debtor on his voluntary retirement. However, the Execution Court has returned the petition, since the judgment debtor has not submitted his claim papers and the VRS opted by the judgment debtor is yet to be confirmed and leave encashment alone can be attached. Challenging the same, the present revision has been filed.

3.Learned counsel for the revision petitioner relied upon a judgment



C.R.P.No.3754 of 2024

of the Andhra Pradesh High Court in ***Repeti Venkataramana v.***

WEB COPY

K.Venkateswara Rao Patnaik reported in (1994) ***ILLJ 732 SC*** to contend that the amount payable under the voluntary retirement scheme is not exempt from attachment under any of the provisions of Section 60(1) CPC.

4.I have perused the order of return.

5.The Execution Court, having come to the conclusion that GPF, *ex gratia* and DCRG will come under exemption and leave encashment amount alone can be attached, ought to have numbered the Execution Petition and decided the issue on merits. The Execution Court cannot act as the defendant or judgment debtor even before numbering the Execution Petition. The issue as to whether all the amounts payable under the VRS Scheme are attachable or not, has to be seen only in the context and nature of the amounts payable. Even before numbering the Execution Petition, the Execution Court cannot come to such conclusion.

6.In such view of the matter, this Civil Revision Petition is allowed



C.R.P.No.3754 of 2024

and the order of return made by the Execution Court is set aside. The Execution Court is directed to number the Execution Petition and decide the same on merits and in accordance with law. No costs.

15.07.2025

Note : Registry is directed to return the original copy of the Execution Petition filed along with this Civil Revision Petition to the learned counsel for the petitioner, for presentation before the Execution Court.

mkn

Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No

To

1.The Principal District Judge,
Kallakurichi.

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

N. SATHISH KUMAR, J.

mkn



WEB COPY



C.R.P.No.3754 of 2024

C.R.P.No.3754 of 2024

15.07.2025