

**CR No. 6864 of 2025****1**

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

113**CR No. 6864 of 2025****DATE OF DECISION :- 26.09.2025****Sunita****...Petitioner****Versus****Parveen****...Respondent****CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL****Present:-** Mr. R.A. Sheoran, Advocate for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. This revision petition has been filed under Article 227 of the Constitution of India, invoking the supervisory jurisdiction of this Court, challenging the order dated 06.09.2025 (Annexure P-20). By the said order, the objection petition filed by the petitioner in the execution proceedings was dismissed, and attachment of the petitioner's salary was directed. The petitioner seeks to impugn the legality, propriety, and correctness of the impugned order, contending that it has been passed without due consideration of the facts and submissions raised in the objection petition, thereby necessitating interference under the supervisory jurisdiction of this Court.

2. The primary objection of the petitioner is that he has filed an application for setting aside the ex-parte decree under Order 9, Rule 13 of the Code of Civil Procedure (here-in-after to be 'CPC'), which application is still pending consideration before the Court. By the impugned order, the



learned Executing Court dismissed the objection petition on the ground that the Judgment Debtor (for short “JD”) had allegedly been directed to deposit security for the decretal amount, and despite giving assurances on the previous date, had neither appeared in person nor furnished any security as per the provisions of Order 21, Rule 26 CPC.

2.1. However, a perusal of the orders passed by the Executing Court, placed on record in the paper-book, clearly indicates that no such direction was issued by the Executing Court requiring the petitioner to furnish security, nor was any stay of execution subject to the furnishing of security under Order 21, Rule 26 CPC ever granted. Consequently, the findings recorded in the impugned order are factually incorrect.

2.2. Further, the impugned order directs attachment of the petitioner’s salary. While doing so, the learned Executing Court has failed to consider the provisions of Section 60(i) of the CPC, which specifically governs the manner and extent of attachment of salary, thereby rendering the impugned order procedurally and legally unsustainable. The relevant extract of Section 60(i) of CPC is reproduced below:

"Salary to the extent of the first two hundred rupees", and one-half of the remainder in execution of any decree other than a "decree for maintenance", is exempt from attachment. There is a proviso which runs as follows:- Provided that where such salary is salary of a servant of the Government or a servant of railway company or local authority, and the whole or any part of the portion of such salary liable to attachment has been under attachment, :whether continuously or intermittently, for a total period of twenty-four months, such portion shall be exempt from attachment until the expiry of a further period of twelve months and, where such attachment has been made in execution



alone and the same decree, shall be finally exempt from attachment in execution of that decree."

3. In view of the discussions made here-in-above, it is evident that the impugned order has been passed without proper appreciation of the facts and circumstances of the case and is contrary to the provisions of Section 60(i) of CPC, which specifically governs the procedure and limitations regarding attachment of salary. The Executing Court, while passing the impugned order, has failed to apply the law correctly and has ignored the submissions and pending application of the petitioner under Order 9, Rule 13 CPC.

3.1. In the circumstances, the petition filed by the petitioner is allowed. The impugned order is hereby set aside, and the learned Executing Court is directed to reconsider and decide the petitioner's application afresh in accordance with law,.

4. However, the observations made here-in-above are not to be construed as any expression of opinion on the merits of the case. They are strictly confined to the present controversy and the issues arising therein.

5. In view of the disposal of the main case, any and all pending miscellaneous applications, if remaining, stand disposed of in consequence thereof, and no further directions are required in respect of such applications.

(VIRINDER AGGARWAL)
JUDGE

26.09.2025

P.Singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No