



\$~35

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 12074/2025 & CM APPL. 49339/2025

KULDEEP SINGH

.....Petitioner

Through: Mr. Kartickay Mathur, Advocate.

versus

REGISTRAR OF CO-OPERATIVE SOCIETIES
AND ORS

.....Respondents

Through: Ms. Urvi Mohan, Advocate for R-1.
Mr. Nitin Mittal, Advocate for R-2.
Mr. Santosh Kumar Rout, Standing
Counsel for R-3/Union Bank of India.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

12.08.2025

%

1. We have heard learned counsel for the petitioner.
2. The petitioner, who had defaulted in re-payment of a loan, which led to an award passed against him under the provisions of Delhi Co-operative Societies Act 2003 (***'DCS Act'***), execution of which has led to the attachment of the bank account of petitioner, which is the subject matter of this petition.
3. The contentions are that what is permissible under *Rule 132* of the Delhi Co-operative Societies Rule 2007 (***'DCS Rules of 2007'***), is the attachment of salary and not the account. For ease of reference the said rule is extracted as under:

“Rule 132. Attachment of salary or allowances of public officer or of servant of a Railway Administration or local Authority: In case the movable property to be attached is



the salary or allowance or wages of a public officer or of a servant of railway administration or local authority or a firm or a company, the Recovery Officer may order in Form no. 36 that the amount shall, subject to the provisions of Section 60 of the Code of Civil Procedure, 1908 (I Act V of 1908), be withheld from such salary or allowance or wages either in one payment or by monthly instalments as the Recovery Officer may direct and upon notice of the order, the officer or other person whose duty is to disburse such salary or allowances or wages shall withhold and remit to the Recovery Officer, the requisite amount.”

(emphasis added)

4. Specific reliance has been placed on the language employed in the said rule so as to claim that, in the absence of there being an express provision for the attachment of the bank account, the only right vested with the respondent is to attach the salary and not to seize the bank account.
5. As assessed above, counsel for respondent submits that the petitioner admittedly has not questioned the award in question, which leads to the inference of there being admitted liability.
6. It is further claimed that under *Rule 132* of DCS Rules of 2007, there is no express embargo.
7. We have considered the rival claims.
8. *Rule 132* of DCS Rules of 2007 must be read along with the conditions stated in Section 60 of Code of Civil Procedure, 1908 (**‘CPC’**). Section 60 of the CPC provides for the property liable for attachment and sale in execution of the decree. For ease of reference said section is extracted as under:

“Section 60. Property liable to attachment and sale in execution of decree.

(1) The following property is liable to attachment and sale in execution of a decree, namely, lands, houses or



other buildings, goods, money, bank-notes, cheques, bills of exchange, hundis, promissory notes, Government securities, bonds or other securities for money, debts, shares in a corporation and save as hereinafter mentioned, all other saleable property, movable or immovable, belonging to the judgment-debtor, or over which, or the profits of which, he has a disposing power which he may exercise for his own benefit, whether the same be held in the name of the judgment-debtor or by another person in trust for him or on his behalf.....”

9. No doubt, once Section 60 of the CPC, by expression, is incorporated in *Rule 132* of DCS Rules of 2007, the embargos created under Section 60 of the CPC can be read while interpreting *Rule 132* of DCS Rules of 2007.
10. What can be noticed is that the embargo created under Section 60 of the CPC, in express terms or even otherwise under *Rule 132* of DCS Rules of 2007, does not create an embargo on the right of respondent to seek attachment of the bank account.
11. In the background of the aforesaid legal position, we see no reason to cause interference in the impugned order; the petition lacks merit and stands dismissed.
12. Accordingly, the petition is dismissed. Pending applications are rendered infructuous.
13. Order be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

AUGUST 12, 2025/RK/tk