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C.R.P.(NPD)No.577 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-01-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.(NPD).No. 577 of 2024

Dhanalakshmi Srinivasan Chit Funds Private Limited
Rep. by its Foreman, West Mambalam
Branch, No.10, Ground Floor,
Thambaiah Road, West Mambalam,
Chennai - 033.

... Petitioner

Vs

1. B.Revathi
W/o. D. Balaji,
No.148/2, 2nd Floor, Muruga Flats,
Sadasiva Nagar, 4th Main Road,
Madipakkam,
Chennai - 091.

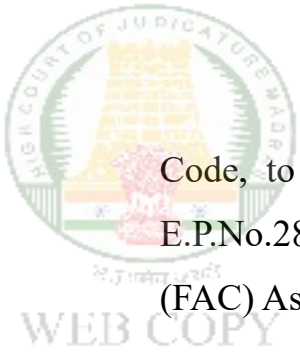
2.Maheswari
W/o. Mariyappillai,
No.1/1, 2nd Floor, Green Palace
Apartments, South Dhandapani St,
T.Nagar, Chennai 017.

3.M.Maran
S/o. P. Munuswamy, Desg. Mate
(f/pipe), Hod No. Mes 604663,
Civilian Non Gazetted Staff, Indian
Armed Forces Civilian, Pallavaram,
Chennai - 600 043.

4.N. Amirthalingam
W/o. Nagalingam, No.67,
Subramanian St, Saidapet West,
Chennai - 015.

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of Civil Procedure



Code, to set aside the order and decreetal order dated 15.12.2023 made in E.P.No.2857 of 2021 in ARC No.311 of 2019 on the file of the Hon'ble XXV (FAC) Asst. City Civil Court, at Chennai.

For Petitioner: Mr.Y.Jyothish Chander.
For Respondents: No appearance.

ORDER

The decree-holder is the revision petitioner. Despite service of notice, the respondents have neither chosen to appear in person nor through Counsel. The names of the respondents are printed in the cause list.

2. Mr.Y.Jyothish Chander, Learned Counsel for the revision petitioner, brought to my notice that the third respondent is the contesting respondent, against whom an attachment of salary was sought in E.P.No.2857 of 2021 in ARC No.311 of 2019. The name of the third respondent is printed in the cause list for today's cases. In view of the above fact that the third respondent, despite service of notice, has not chosen to appear and contest revision, I proceeded to hear Mr.Y.Jyothish Chander learned counsel for the revision Petitioner.

3. Mr.Y.Jyothish Chander, learned Counsel took me through the order passed on 15.12.2023 dismissing E.P.No.2857 of 2021, which was filed for attachment of salary of the third respondent in order to recover a sum of



Rs.1,75,040/- pursuant to an arbitration award passed by the Chit Funds Registrar under the Chit Funds Act, 1982.

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4. The Learned counsel would state that the Executing Court has erroneously dismissed the execution petition by applying the ratio laid down by this Court in C.R.P.(NPD) No.4289 of 2012 and finding that the Court did not have territorial jurisdiction to entertain the execution petition itself in the first place.

5. Mr.Y.Jyothish Chander, however, would make a distinction with regard to the decision which has been relied on by the executing Court, where the execution proceedings were instituted against a private individual arrayed as the judgment-debtor. However, pointing out to the difference in the present case, the Learned Counsel states that the third respondent is serving as a Civilian in the Armed Forces and the relevant provision which applies i.e., Order XXI Rule 48 of the Code which is consciously worded differently. He would therefore said that the executing court had jurisdiction to entertain the execution petition and the order dismissing the E.P is unsustainable and therefore he prays for revision being allowed.



6. I have carefully considered the submission advanced by the Learned Counsel Mr.Y.Jyothish Chander. In order to better appreciate his argument, it would be necessary to extract the relevant provision, namely Order XXI, Rule 48 of the Code of Civil Procedure, 1908.

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 2 [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 as³ [the appropriate Government may by notification in the Official Gazette] appoint⁴ [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



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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 5 [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.

[(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 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.]

7. In contrast to Order XXI, Rule 48(A) of the Code of Civil Procedure, when it comes to attachment of salary or allowances of a servant of the Government or a railway company or a local authority, Rule 48 entitles the decree holder to move a court, even if the judgment debtor or the disbursing officer is not within the local limits of the said Court. This important distinction has not been taken note of by the Executing Court.

8. As seen from the Rule itself, which has been extracted herein above, the salary of a servant of the Government can be attached by approaching a



Court where neither the judgment-debtor nor the disbursing Officer resides/carries on business, within the local limits of the Court's jurisdiction. In

the present case, neither the judgment-debtor nor the disbursing officer are available within the said local limits of the Court's jurisdiction. However, in view of the specific language employed in Rule 48, the execution petition was very well maintainable before the City Civil Court. In fact, I find that the award itself was passed by the Deputy Registrar, Chits at Chennai and a certificate has been forwarded to the City Civil Court, Chennai. Therefore, the reasons assigned by the executing court dismissing the execution petition as without territorial jurisdiction are clearly misplaced, erroneous and liable to be set aside.

9. Accordingly, the order dated 05.12.2023 in E.P.No.2857 of 2021 is set aside. The Executing Court shall take up the said E.P.No.2857 of 2021 and dispose of the same on merits and in accordance with law. The impugned order also does not suggest that the Court has gone into merits with regard to the order of attachment that was sought by the revision petitioner. Hence, in view of the order being set aside, the Executing Court shall reopen the E.P and it shall be listed for hearing on 09.02.2026 and the Executing Court shall dispose of the Execution Petition on merits in accordance with law after giving a fair opportunity to both the Counsel to make further submissions, if any. The E.P shall be disposed of on or before 31.03.2026.



10. With the above observation, this Civil Revision Petition is allowed.

There shall be no order as to costs.

12-01-2026

Index:Yes/No

Neutral Citation:Yes/No

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To,
The XXV (FAC) Asst. City Civil Court, Chennai.



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P.B.BALAJI, J.
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