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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP.No.6534 of 2026

CNR:{HCMA012108022026}

and CMP.No.28173 of 2026

1. N.Jayakumar
2. S.Jayaram ... Petitioners

Vs

1.Shriram Chits Private Limited,
represented by its Branch Manager,
No.148, G.S.T. Road, G.P. Plaza
Chengalpattu

2.V.Gnanamani

N.Devarajan (Died)

3.D.Deepak Rajan ... Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of CPC/Article 227 of the Constitution of India, to set aside the order dated 11.08.2026 passed by the learned Subordinate Judge, Madurantakam in E.P.No.46 of 2025 in A.R.C.No.79 of 2014.

For Petitioners : Mr.R.Vijayakumar
For R1 : Mr.S.Kartik
For R2 : No Appearance
For R3 : No Such Person

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ORDER

The Civil Revision Petition is filed challenging the order passed by the Executing Court attaching the salary of the petitioners and 3rd respondent in execution of the award obtained by the 1st respondent in A.R.C.No.79 of 2014.

2. The 1st respondent obtained an arbitration award against the petitioners and other respondents in A.R.C.No.79 of 2014. Since the Award Debtors failed to pay the amount as per the award, the 1st respondent filed an execution petition in E.P.No.46 of 2025 seeking attachment of salary of the petitioners and 3rd respondent and to issue garnishee order. The said execution petition was allowed by the impugned order by directing attachment of the salary of the petitioners and 3rd respondent. Aggrieved by the same, the petitioners have come before this Court.

3. The learned counsel appearing for the petitioners would submit that the order passed by the Executing Court directing attachment of the entire salary of the petitioners is not in accordance with the provisions of Civil Procedure Code and hence, the same is liable to be set aside.

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4. The learned counsel appearing for the 1st respondent would submit that by impugned order, the Executing Court ordered attachment of the salary of the petitioners and 3rd respondent only in accordance with law. In such circumstances, the order need not be interfered with.

5. The Proviso to Section 60(1)(i) of the Civil Procedure Code, reads as follows:-

> *"Section 60(1)(i):- Provided that the following particulars shall not be liable to such attachment or sale, namely:-*
>
> ... ...
>
> *"(i) Salary to the extent of the first [one thousand rupees] and two-thirds of the remainder] in execution of any decree other than a decree for maintenance:]*
>
> *[Provided that where any part of such portion of the salary as is 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 of one and the same decree, shall, after the attachment has continued for a total period of twenty-four months, be finally exempt from attachment in execution of that decree;]"*

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6. A perusal of the above provision would make it clear that whenever a decree for money other than the decree for maintenance is put into execution, the first 1000 rupees and two-thirds of the remainder salary cannot be attached. In the case on hand, the Executing Court without referring to Section 60 of the Civil Procedure Code, erroneously ordered attachment of the salary of the petitioners and 3rd respondent.

7. In view of the above mentioned provision, the Court below should have ordered attachment only 1/3rd of the salary of the petitioners.

8. Accordingly, the impugned order is modified by directing the Executing Court to attach 1/3rd of the salary of the petitioners, after leaving the first 1000 rupees.

9. With this modification, this Civil Revision Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

29-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

The Subordinate Court,
Madurantakam.

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S.SOUNTHAR J.

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