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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL RC No. 2462 of 2026

and

CRL MP No.20829 of 2026

CNR: {HCMA012490792026}

A.Daniel
S/o C. Arjunan,

Last Known Address
F-1, Thillai Ganga Apartments,
Easwaran Koil Street,
Orakadam,Ambattur, Chennai-600053

Presently Working and employed in
Sukruwarpet Post Office,Coimbatore 641001.

Now Working in
Salem Camp Post Office,Salem

..Petitioner(s)

Vs

Minor D.Jeshu Olivian
S/o A. Daniel,
Rep by Mother and Natural Guardian M. Nanthini

Temporarily Residing at
B2/12, Bhuvaneshwari Apartments,
Bharathidasan Colony,KK Nagar,
Chennai-600078.

Permanent Address at
55, Mullai Nagar,Nathamedu Lake Near,
Thiruninravur.

..Respondent(s)

Prayer: To call for the records relating to the order dated 20-8-2026 passed in MP No. 797 of 2026 in MC No. 464 of 2021 passed by Honorable VI

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Additional Family Court at Chennai and set aside the said Impugned Order and pass such other or further orders as deemed fit and proper in circumstances of the case and thus render justice.

For Petitioner(s): Mr. K.V.Bhashyam Chari

ORDER

This Criminal Revision Case has been filed challenging the order dated 20.08.2026 passed in M.P.No.797 of 2026 in M.C.No.464 of 2021 on the file of the Learned VI Additional Family Court, Chennai, seeking to set aside the order directing further attachment of the salary of the petitioner towards recovery of maintenance arrears.

2.The brief facts leading to the filing of this revision petition are that the respondent herein, who is a minor child represented by his mother and natural guardian, had initiated maintenance proceedings against the petitioner in M.C.No.464 of 2021 before the Learned VI Additional Family Court, Chennai. In the said proceedings, an order of maintenance had been passed in favour of the minor child. Subsequently, proceedings were initiated for recovery of the maintenance arrears, pursuant to which the respondent sought attachment of the salary of the petitioner. The petitioner is employed in the Postal Department of the Central Government and is presently stated to be working at Salem Camp Post Office, Salem.

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3.According to the petitioner, pursuant to the earlier execution proceedings initiated by the respondent, the salary of the petitioner was already under attachment and the Postal Department was deducting a sum of Rs.12,367/- per month from his salary and remitting the same towards the maintenance arrears. While so, the respondent initiated further proceedings in M.P.No.797 of 2026 in M.C.No.464 of 2021 seeking further attachment of the salary of the petitioner. The learned VI Additional Family Court, by order dated 20.08.2026, passed orders directing further attachment of the salary of the petitioner. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case.

4.The principal contention of the petitioner is that the impugned order directing a further attachment of his salary is contrary to Section 60(1)(ia) of the Code of Civil Procedure and Order XXI Rule 48(2) CPC. According to the petitioner, his basic salary is only Rs.35,000/- per month and a sum of Rs.12,367/- is already being deducted every month pursuant to the earlier attachment order. It is therefore contended that the learned Family Court ought to have considered the existing attachment and the statutory restriction on the attachable portion of salary before directing any further attachment.

5.The petitioner has further contended that the learned Family Court failed to consider the counter affidavit filed by him in the proceedings before

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the Court below, wherein he had specifically brought to the notice of the Court the existence of the earlier attachment and the statutory restrictions governing the attachment of salary. According to the petitioner, the impugned order does not contain any discussion regarding the objections raised by him in the counter affidavit and is therefore vitiated by non-application of mind.

6.The petitioner has also contended that he had earlier filed M.P.No.1211 of 2026 on 06.01.2025, seeking alteration of the maintenance order under Section 127(1) of the Criminal Procedure Code read with Section 144(1) of the BNSS. The said application was dismissed by the learned Family Court on 14.08.2026 on jurisdictional grounds. Challenging the same, the petitioner has filed Crl.R.C.No.2184 of 2026, which is stated to be pending before this Court.

7.According to the petitioner, if the said revision petition is allowed, the petitioner would be entitled to seek alteration or modification of the maintenance amount with effect from the date of filing of the alteration petition. Therefore, the petitioner contends that the further attachment for recovery of the alleged arrears is premature and unsustainable.

8.The petitioner has further relied upon Section 60(1)(ia) CPC, contending that one-third of the salary is exempt from attachment in execution of a decree for maintenance and that only the remaining two-thirds can be

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attached. He has also relied upon Order XXI Rule 48(2) CPC, contending that where the attachable portion of the salary is already being withheld and remitted pursuant to an earlier order of attachment, the subsequent order of attachment is required to be returned to the Court issuing the same with particulars of the existing attachment. On these grounds, the petitioner seeks interference with the order passed by the learned Family Court.

9.This Court has carefully considered the grounds raised by the petitioner and perused the materials placed on record. The principal question that arises for consideration is whether the order directing further attachment of the salary of the petitioner towards recovery of maintenance arrears suffers from any illegality, material irregularity or jurisdictional error warranting interference by this Court in exercise of its revisional jurisdiction.

10.At the outset, it is relevant to note that the maintenance proceedings arise out of the statutory obligation to provide maintenance to a minor child. The object of the maintenance provisions is to ensure that the dependent child is not deprived of the basic necessities of life and is provided with reasonable financial support. Once an order of maintenance has been passed by a competent Court, the person against whom such an order has been made is legally bound to comply with the same. The mere fact that the petitioner has other financial commitments or that the amount is being recovered through

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salary attachment cannot, by itself, absolve him of his obligation to comply with the maintenance order.

11.In the present case, the petitioner does not dispute the existence of the maintenance proceedings or the fact that the salary attachment proceedings have been initiated for recovery of the maintenance arrears. His principal grievance is that the salary is already under attachment pursuant to an earlier order and that a further attachment would result in deductions exceeding the permissible statutory limit. Therefore, the dispute raised by the petitioner is primarily with regard to the manner and extent of recovery of the maintenance arrears and not the existence of the maintenance liability itself.

12.In this regard, it is relevant to refer to Section 60(1)(ia) of the Code of Civil Procedure, which provides statutory protection to a portion of the salary from attachment in execution of a decree for maintenance. The provision protects one-third of the salary from attachment, thereby permitting attachment of the remaining portion, subject to the other applicable provisions and the manner in which salary is computed under the said section. The statutory protection is intended to ensure that the judgment-debtor is not deprived of the entire means of livelihood while simultaneously enabling the decree-holder to realise the amount lawfully due.

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13.It is equally relevant to consider Order XXI Rule 48(2) CPC, which deals with the procedure to be followed when a subsequent order of attachment is received in respect of salary that is already under attachment pursuant to an earlier order. The said provision contemplates that where the attachable portion of the salary is already being withheld and remitted to a Court pursuant to a previous and unsatisfied order of attachment, the subsequent order of attachment shall be returned to the Court issuing the same with particulars of the existing attachment. Thus, the provision regulates the manner in which successive attachment orders are to be implemented and ensures that the statutory protection available to the judgment-debtor is not defeated.

14.However, the mere existence of an earlier order of attachment does not, by itself, extinguish the liability of the petitioner towards the maintenance arrears or render every subsequent recovery proceeding illegal. The earlier attachment and the subsequent attachment have to be considered in accordance with the statutory procedure prescribed under the Code of Civil Procedure. The object of the provision is to regulate successive attachments and prevent recovery beyond the permissible attachable portion of the salary. It cannot be construed as conferring immunity upon the petitioner from the recovery of the maintenance arrears lawfully due to the minor child.

15.In the present case, the petitioner has stated that a sum of Rs.12,367/-

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is being deducted every month from his salary pursuant to the earlier attachment order. He has also relied upon his basic salary of Rs.35,000/- per month and contended that any further deduction would deprive him of his livelihood. However, the mere assertion regarding the amount of salary and the existing deduction, without establishing that the impugned order has resulted in an actual deduction beyond the statutorily attachable portion, would not by itself establish that the impugned order is liable to be set aside in its entirety. The computation of the attachable salary has to be made in accordance with Section 60 CPC, taking into account the applicable statutory exclusions and the amount already being withheld pursuant to the earlier attachment.

16.It is also relevant to note that the maintenance order passed in favour of the minor child continues to remain operative unless it is modified, altered or set aside by a competent Court. The petitioner has admittedly filed M.P.No.1211 of 2026 seeking alteration of the maintenance order and has also challenged the dismissal of the said application in Crl.R.C.No.2184 of 2026. However, the mere pendency of the said revision petition does not automatically operate as a stay of the existing maintenance order or the proceedings initiated for recovery of the arrears. Unless the operation of the maintenance order or the recovery proceedings is specifically stayed or modified by a competent Court, the petitioner cannot seek to avoid compliance with the subsisting order merely on the ground that a challenge relating to alteration of maintenance is pending.

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17.The contention of the petitioner that the learned Family Court failed to consider the counter affidavit filed by him also requires consideration. It is true that the objections raised by a party, particularly those relating to the statutory protection available under Section 60 CPC and the existing attachment under Order XXI Rule 48 CPC, are relevant while considering a further attachment of salary. However, the absence of an elaborate discussion of every contention raised in the counter affidavit would not, by itself, render the order illegal, unless it is demonstrated that the Court has failed to consider a material issue which has resulted in prejudice to the petitioner. The petitioner has not established any such patent illegality or jurisdictional infirmity warranting interference with the impugned order.

18.Further, the contention that the respondent ought to have furnished a detailed calculation memo indicating the total arrears, the period of arrears, the amounts already recovered and the balance outstanding is also a matter which can be verified during the execution proceedings. Any amount already recovered through the earlier salary attachment or paid directly by the petitioner has necessarily to be given due credit while calculating the outstanding arrears. The petitioner is also entitled to bring to the notice of the executing Court the details of the existing attachment and the actual amounts being deducted and remitted by the Postal Department. Such procedural requirements, however, cannot be a ground to completely defeat the recovery of maintenance arrears

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due to the minor child.

19.It is also relevant to note that the petitioner has specifically stated in the grounds of revision that he does not seek to evade the lawful maintenance liability determined by the competent Court and that his challenge is confined to ensuring that the recovery is made strictly in accordance with the statutory procedure and within the limits prescribed under Section 60 CPC and Order XXI Rule 48 CPC. While the statutory protection available to the petitioner has to be respected, the right of the minor child to receive the maintenance amount already ordered by the competent Court cannot also be ignored. Both these interests have to be balanced in accordance with the applicable statutory provisions.

20.This Court is of the considered view that the statutory provisions relied upon by the petitioner regulate the extent and manner of attachment of salary and do not extinguish the underlying maintenance liability. The petitioner has not demonstrated any sufficient ground to set aside the impugned order in its entirety. The objections regarding the existing attachment, the amount already recovered and the permissible attachable portion of the salary can be duly considered by the executing Court while implementing the attachment proceedings, in accordance with law.

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21.It is well settled that the revisional jurisdiction of this Court is supervisory in nature and is not intended to substitute the discretion exercised by the Court below merely because another view is possible. Unless the impugned order suffers from patent illegality, perversity, jurisdictional error or material irregularity, this Court would not ordinarily interfere with the same. In the present case, upon consideration of the grounds raised by the petitioner and the materials placed on record, this Court finds no sufficient ground warranting interference with the impugned order dated 20.08.2026 passed by the Learned VI Additional Family Court, Chennai.

22.Accordingly, this Criminal Revision Case is **dismissed**. The order dated 20.08.2026 passed in M.P.No.797 of 2026 in M.C.No.464 of 2021 on the file of the Learned VI Additional Family Court, Chennai, stands **confirmed**. The connected miscellaneous petition is closed. There shall be no order as to costs.

23.However, it is made clear that while implementing the attachment order, the learned VI Additional Family Court shall take into consideration the earlier subsisting attachment, the actual amount already deducted and remitted by the Postal Department, and the statutory protection available to the petitioner under Section 60(1)(ia) CPC read with Order XXI Rule 48(2) CPC. The aggregate amount recovered through successive salary attachments shall not

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exceed the statutorily attachable portion of the salary. The executing Court shall also ensure that all amounts already recovered are given due credit while calculating the outstanding maintenance arrears.

24.It is further made clear that the dismissal of the present Criminal Revision Case shall not prejudice the rights and contentions of the petitioner in Crl.R.C.No.2184 of 2026, which is stated to be pending before this Court, challenging the dismissal of his application seeking alteration of the maintenance order. The said revision petition shall be considered independently on its own merits and in accordance with law.

25.Let a copy of this order be sent by the Registry of this Court to the Learned VI Additional Family Court, Chennai, for necessary compliance and information.

30-10-2026

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

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To

The VI Additional Family Court at Chennai.

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SHAMIM AHMED, J.

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