

**IN THE COURT OF SUBORDINATE JUDGE, NEYVELI.****Present: Tmt. S. Uma Maheswari, B.A., L.L.M.,****Subordinate Judge, Neyveli.****Tuesday, this the 07<sup>th</sup> day of April – 2026****E.P.62/2026****in****O.S No : 225 of 2021****CNR No: TNCD14- 000263-2026**

Karunathi S/o. Ramadas,

.....Petitioner/ Plaintiff

**Petitioner Advocate:** Thiru. B. Senthil Murugan, B.Sc., B.L.,

-/Vs/-

1) Kuppusamy, S/o. Nagappan,  
(CPF No. 41641)

... Respondent/ defendant

2) The Chief Manager /Finance,  
Account centre,  
Corporate office, NLCIL, Block-1, Neyveli.

....1st Garnishee

3) The Chairman, Thrift Society, Block-12, Neyveli.

.... 2<sup>nd</sup> Garnishee**Advocate for 1<sup>st</sup> Respondent:** Thiru. M.K. Gunasekaran, B.A., B.L.,**Advocate for R2/Garnishee :** Thiru. B. Makesh kumar, B.A., B.L.,**Advocate for R3/Garnishee :****ORDER**

The Petitioner/ Plaintiff has been filed the petition under Order 21 Rule 46 CPC.  
Order Pronounced.

1) The Petitioner/Plaintiff has been filed the petition for attach the retirement benefits of respondent for realization of E.P amount.

2) The case of the petitioner is that decree was passed on 14.07.2022. But till date the 1<sup>st</sup> respondent has not paid the decree amount. R1 is working under NLCIL and going to retire from service on 31.03.2026. Hence the petitioner prayed that the court might be attach the retirement benefits of the respondent for the E.P amount.

3) On the side of R1 Counter statement filed. The case of the respondent is that the respondent is unaware about the petitioner obtained exparte decree against the 1<sup>st</sup> respondent in OS. 225/2021. And also stated that in the execution petition the petitioner has mentioned in para 6 regarding the not press of the E.P.No.212/2022 is unaware to him. The 1<sup>st</sup>

respondent have only source of retirement benefits alone. Hence the respondent prayed to dismiss the execution petition in E.P.62/2026 in OS.225/2021.

4) On the side of R2 / Garnishee counter statement filed admitting the 1<sup>st</sup> respondent is working under NLCIL and he is going to retire from services on 30.04.2026. On the side of R3/ Thrift society counter statement not filed.

5) In the petition both side not adduced any oral or documentary evidence.

6) Point for consideration is whether the petitioner is entitled for the relief as against the respondent prayed for ?

7) Petition, counter statements of R1 and R2 and rival submission perused. On perusal of petition, the original suit was decreed exparte on 14.07.2022. Further the petitioner has filed an E.P.212/2022 against the respondent, which was not pressed by the petitioner on 24-02-2026 and now filed an E.P.62/2026 against the respondent. As per E.P the respondent have to pay a sum of Rs.12,49,193.50/- to the petitioner.

8) On the side of petitioner, the learned counsel argued that E.P amount is more than 12 lakhs. Hence attachment of retirement benefits of respondent may be ordered.

9) Per contra, the learned counsel for respondent argued that the date of retirement was wrongly mentioned by the petitioner as 31.03.2026. The petitioner claiming the relief of retirement benefits dated 31.03.2026. But NLCIL given the date of retirement of R1 is 30.04.2026. Hence the petitioner have to not press the E.P and to file fresh E.P for the cause of action of 30.04.2026.. But the petitioner seeking the relief of attachment of retirement benefits. Change of date of retirement is not immaterial one. But E.P amount is more than 12 lakhs. Our Hon'ble Supreme Court now directed that in the case of Periyammal(died) L/Rs vs Rajamani & others E.P proceedings should be disposed within 6 months.

10) Considering the above facts and circumstances, the court directed to attach the eligible retirement benefits of the 1<sup>st</sup> respondent as per petitioner prayed for. Attachment batta in a week. Issue for and call on 31.07.2026.

Pronounced by me in the open court, this the 07<sup>th</sup> day of April 2026.

Subordinate Judge,  
Neyveli.

Both side witness :- NIL

Both side documents :- NIL

Subordinate Judge,  
Neyveli.