

III ADDITIONAL DISTRICT AND SESSIONS COURT,

TIRUVALLUR AT POONAMALLEE.

Present : **Thiru.C.VIJAYAKUMAR, B.A., B.L.,**

III Additional District and Sessions Judge

Monday, the 15th day of December 2025

E.P.No.9/2025 in O.S.No.2377 of 2023

1) A. Subramaniam, S/o. K. Arumugam,
504, Oceani Appartments, Hiranandani Complex,
Opposit to SIPCOT, Siruseri, OMR,
Egmore, Chennai – 603 103.

..Petitioner / Decree holder

//Vs//

1) S. Aravindan, S/o. Sivaraj,
253, Pillaiyar Koil Street,
Bharathi Nagar, Vaiyavur (Post),
Kanchipuram – 631 561.

2) M. Nagarajan, S/o. Mohanambal,
No.503, Regency Appartment,
No. 3/4/5, Sardar Patel Road,
Taramani, Chennai – 600 113.

..Respondents / Judgment Debtors

This petition came up before this Court for final hearing on 27.11.2025 in the presence of M/s. K. Subburam, C. Ravikumar, M. Melvin, B. Rjkumar learned counsels for the petitioner/decreeholder and the respondent-2 /Judgement Debtor-2 set exparte on 09.09.2025 and upon hearing petitioner side

argument, on perusal of oral and documentary evidence and having stood over for consideration till this day, this court passed the following:

ORDER

The petitioners filed this Execution Petition under Order XXI, Rule 48A of the CPC, seeking the execution of the decree passed in O.S.No.2377/2023 on the file of the XVI Additional City Civil Court Chennai against Judgement Debtor-2, through his garnishee M/s. CSS Corp Pvt Ltd., 32 A & 32 B, Ambit Park Road, Sai Nagar, Ambattur Industrial Estate, Chennai for claim of Rs.19,27,715/- with further interest at 6% per annum from the date of this petition till the date of realization.

2) The brief facts of the execution petition:-

The petitioners filed this Execution Petition under Order XXI, Rule 48A of the CPC, seeking the execution of the decree passed in O.S.No.2377/2023 on the file of the XVI Additional City Civil Court Chennai against Judgement Debtors-2 through his garnishee i.e., M/s. CSS Corp Pvt Ltd., 32 A & 32 B, Ambit Park Road, Sai Nagar, Ambattur Industrial Estate, Chennai or claim of Rs.19,24,715/- with further interest at 6% per annum from the date of this petition till the date of realization and prayed to attach the salary of the Judgement Debtor – 2 for the recovery. Hence, the Petition.

3) After being taken on file, this court issued notice to the respondent/JD-2 for the hearing date of 18.07.2025. On that day, memo was filed and stated that, the address of the Respondent/JD-2 was changed and case posted to 09.09.2025. On 09.09.2025, counsel for the Petitioner / Decree holder appeared and filed affidavit of service for Respondent / JD-2 and Respondent / JD-2 called absent. Hence, Respondent/JD-2 set exparte on the same day. The Decree holder seeking execution of the decree only against JD2 by the way of attachment of salary of JD2.

4) On the side of the Petitioner/Decree Holder and Respondents/ Judgment Debtors, no witnesses were examined and no documents were marked.

5) Now, the point for consideration before this Court is whether the Petitioner/Decree Holder is entitled to attach salary of the Respondent / JD2 through his garnishee for the decreed amount of Rs.19,27,715/- ?

6) POINT :

Heard the argument of the Petitioner side. Perused the documents.

7) The Decree holder is the Plaintiff in O.S No.2377 of 2023. The Judgment and Decree passed on 30.01.2024. The Decree Holder filed this petition against Judgment Debtor for the realization of Rs.19,27,715/- in O.S No.2377 of 2023. Therefore this petition filed by the Petitioner / Decree

Holder under order 21 Rule 48A of CPC to realize the E.P. claim amount.

8) This Execution Petition came up for final hearing before this Court on 27.11.2025. The learned counsels for the petitioner/decreed holder were heard. The second respondent / Judgment Debtor-2, despite due service of notice, remained absent and was set ex parte on 09.09.2025. On perusal of the pleadings and records, it is seen that the decree holder has filed this Execution Petition under Order XXI Rule 48A of the Code of Civil Procedure seeking execution of the decree passed in O.S.No.2377 of 2023 on the file of the XVI Additional City Civil Court, Chennai, for recovery of a sum of Rs.19,27,715/- with further interest at 6% per annum from the date of the petition till realization, by attaching the salary of Judgment Debtor-2 through his garnishee, namely M/s. CSS Corp Pvt Ltd., 32 A & 32 B, Ambit Park Road, Sai Nagar, Ambattur Industrial Estate, Chennai.

9) The decree in O.S.No.2377 of 2023 was passed on 30.01.2024 and has become final. The materials placed before this Court disclose that there is no alteration or modification of the said decree and that no stay of execution has been granted by the Hon'ble High Court. Though notice was duly served, the Judgment Debtor-2 failed to appear or contest the execution proceedings and was therefore set ex parte. In the absence of any objection from the Judgment

Debtor-2 and in view of the subsisting and enforceable decree, this Court is satisfied that the decree holder is entitled to execute the decree by way of attachment of salary under Order XXI Rule 48A CPC.

10) Accordingly, this Execution Petition is allowed, and attachment of the salary of Judgment Debtor-2 through his garnishee, M/s. CSS Corp Pvt. Ltd., 32A & 32B, Ambit Park Road, Sai Nagar, Ambattur Industrial Estate, Chennai, is ordered for realization of the E.P. claim amount of Rs.19,27,715/- with interest as prayed for. No order as to costs.

11) In the result, this execution petition partly allowed without cost. The Execution Petition filed under Order XXI Rule 48A read with Section 60 of the Code of Civil Procedure, 1908, is partly allowed in the following terms:

i) Attachment Order: An order of attachment is hereby passed under Order XXI Rule 48A CPC, directed at the salary and allowances of the Respondent / Judgment Debtor-2, payable by his employer, the Garnishee, M/s. CSS Corp Pvt Ltd., having its office at 32 A & 32 B, Ambit Park Road, Sai Nagar, Ambattur Industrial Estate, Chennai.

ii) Mode & Extent of Attachment: The Garnishee (Disbursing Officer) is directed to withhold the salary of the Judgment Debtor-2 in monthly installments. The amount to be withheld each month shall be computed strictly in accordance with clause (i) of the proviso to Section 60(1) of the CPC, as follows:

(a) The first one thousand rupees (₹1,000) of the monthly salary shall be absolutely exempt from attachment.

(b) Two-thirds (2/3) of the remaining salary (i.e., the amount after deducting ₹1,000) shall also be exempt.

(c) Only the remaining one-third (1/3) of the salary exceeding ₹1,000 shall be liable to attachment. Formula for Monthly Attachment: Attachable Amount = (Total Monthly Salary - ₹1,000) / 3.

d) Proviso Regarding Duration of Attachment: The Garnishee and the parties shall note the proviso to clause (i), which states that if this attachable portion has been under attachment for a total period of twenty-four months, it shall become exempt from attachment for the next twelve months. Furthermore, if the attachment is for the same decree, the amount becomes finally exempt from attachment under that decree after twenty-four months of attachment.

iii) Garnishee's Duty: Upon service of this order, the Garnishee, M/s. CSS Corp Pvt Ltd., shall:

a) Commence withholding the attachable portion (calculated as per Point 2 above) from the next salary cycle.

b) Remit the withheld amount to this Court monthly.

c) Continue remittances until the decretal amount is satisfied, subject to the duration limit in Point 3, or until further orders.

d) As per Order XXI Rule 48A(2), if the salary is already under an unsatisfied attachment order, the Garnishee shall immediately return this order to the Court with full particulars of the existing

attachment.

iv) Decretal Amount: The attached funds shall be applied towards the satisfaction of the decretal sum of Rs. 19,27,715/- (Rupees Nineteen Lakhs Twenty-Seven Thousand Seven Hundred and Fifteen Only), with future interest at 6% per annum from the petition date till full realization.

v) Compliance Affidavit: The Garnishee shall file an affidavit in this Court within four (4) weeks, stating the Judgment Debtor's total monthly emoluments and providing the calculation of the monthly attachable amount as per this order.

Dictated to the steno-typist directly, typed by him in the computer, corrected and pronounced by me in the open court, this the 15th day of December 2025.

**III Additional District and Sessions Judge,
Tiruvallur at Poonamallee.**

Exhibits and Witnesses on both sides :- Nil.

**III Additional District and Sessions Judge,
Tiruvallur at Poonamallee.**