

(1993) 11 KAR CK 0012
In the Karnataka High Court
Case No : Criminal No. 1984 of 1993

G. Narayan Rao

APPELLANT

Vs

Smt. V.R. Nagamani

RESPONDENT

Date of Decision : 30-11-1993

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 60
Payment of Gratuity Act, 1972 — Section 13

Citation : (1995) 4 KarLJ 59 : (1996) 3 LLJ 1033

Hon'ble Judges : K. Shivashankar Bhat, J

Bench : Single Bench

Judgement

1. Heard Sri S. R. Shinde. Admitted. The respondent, though served, is absent, Heard Sri S. R. Shinde on merits.

2. The revision petitioner-judgment-debtor has challenged the order dated April 12, 1993 passed by the learned VI Additional City Civil Judge, Bangalore in Ex. C. 10038/92 ordering attachment of the gratuity amount due to the judgment-debtor. The learned City Civil Judge has stated in his order that the word "wages" does not include gratuity. He has also stated in his order that in view of Explanation - IV to Section 60 C.P.C. the word wages gratuity is not included. It is obvious the learned City Civil Judge has not looked into the relevant provisions properly. Section 60(g) clearly says that stipends and gratuities allowed to pensioners of the Government or of a local authority or of any other employer shall not be liable for attachment. This apart, Section 13 of the Payment of Gratuity Act, 1992 clearly says that the gratuity payable under this Act to an employee in any factory, mine etc., shall not be liable for attachment (revision petitioner-judgment debtor working in H.A.L. factory) in execution of any decree. For these reasons, the order of the learned City Civil Judge, ordering attachment of gratuity, is set aside. Revision petition allowed accordingly.