

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2015

CORAM

THE HONOURABLE MR. JUSTICE **D.HARIPARANTHAMAN**

C.R.P.(NPD)No.3631 of 2015 and
M.P.No.1 of 2015

1.C.Kuppusamy
2.K.Ambairam
3.T.Somasundaram
4.M.Sivasubramanian
5.M.Kasirajan

... Petitioners

vs.

1.Dhanalakshmi Srinivasan Chit Funds (P) Ltd.,
CD-Complex,
Kumbakonam Main Road,
Gandhinagar Post, Vadakuthu,
Kurinji Padi Taluk, Neyveli -1.
Rep. by its Foreman

2.V.Annadurai
3.L.Kumaranathan

...Respondents

Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against the order and decree made in E.P.No.4 of 2013 in A.R.No.702 of 2012 on the file of III Additional District and Sessions Judge, Cuddalore at Vridhachalam dated 14.08.2014.

For Petitioners : Mr.S.Vijayakumar

For Respondents : Mr.S.Kadarkarai for R1
Mr.D.Balaraman for R3

ORDER

The revision petitioners stood as guarantors to the second respondent, when he has drawn the chit from the first respondent. The second respondent is liable to pay a sum of Rs.21,40,599/- with interest as per the execution proceedings. The revision petitions are employed in Neyveli Lignite Corporation. Since the revision petitioners stood as guarantors, Rs.19,560/- Rs.25,000/- and Rs.21,000 were directed to be recovered from the salary of revision petitioners 2,3 and 4. Hence, the petitioners have come up with this petition.

2. The learned counsel for the revision petitioners submitted that second respondent alone borrowed the money and hence, the first respondent could not proceed against the revision petitioners by way of execution proceedings.

3. On the other hand, the learned counsel for the first respondent has submitted that since the petitioners stood as guarantors for the second respondent, they are equally liable to pay the amount that is payable by the second respondent. Thereafter, the revision petitioners/guarantors could recover the amount paid by them from the second respondent.

4. I have considered the submissions made by the learned counsel on either side.

5. I am in agreement with the submission made by the learned counsel for the first respondent. It is not in dispute that the revision petitioners stood as guarantors. Hence, they could not resist the execution petition contending that they are only guarantors and at the most, they could recover it from the second respondent.

I do not find any merit in the civil revision petition. Accordingly, the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.10.2015

svki

To

The III Additional District and Sessions Judge,
Cuddalore at Vridhachalam

D.HARIPARANTHAMAN,J.,

svki

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