

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.14844 of 2016

R.Nalini Chandravadanam

.. Petitioner

-vs-

1.The Executive Director (South),
Air India Limited - Southern Region,
Airlines House, Meenambakkam,
Chennai-600 027.

2.The Deputy Manager - Finance,
Air India Transport Services Limited,
Airlines House, Meenambakkam,
Chennai 600 027.

3.The General Manager - Finance,
Air India Transport Services Limited,
Airlines House, Meenambakkam,
Chennai 600 027.

4.The Manager - Finance (PRS),
Air India Transport Services Limited,
Airlines House, Meenambakkam,
Chennai 600 027.

5.The Appellate Authority, Registered Office
Air India Ltd., Airlines House,
113, Gurudwara Rakabganj Road,
New Delhi - 110 001.

6.The Appellate Authority,
Headquarters,
Air India Ltd., Airlines House,
113, Gurudwara Rakabganj Road,
New Delhi - 110 001.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent with a specific directive to the first respondent to instruct the Pay Disbursement Officer of the Air India Limited, Southern Region, Airlines House, Meenambakkam, Chennai-27 to consider the petitioner's representation dated 20.10.2015.

For Petitioner : Mr.R.Chellappa

O R D E R

The petitioner R.Nalini Chandravadanam, has come to this Court seeking a direction to the Executive Director (South), Air India Limited, Southern Region/first respondent herein to instruct the Pay Disbursement Officer of the Air India Limited, Southern Region, Airlines House, Meenambakkam, Chennai-27 to consider her representation dated 20.10.2015.

2.A mere reading of the affidavit shows that the petitioner's husband N.Chandrakumar, who served in the first respondent department, died on 15.05.2015 while in service. During his life time, he had signed as a surety for a loan borrowed by one M.Anandkumar from M/s.Shriram City Union Finance Ltd. As the borrower did not repay the loan according to schedule, her husband's salary has been attached in pursuance of the order passed in E.P. No.2061 of 2013 in ACP No.88 of 2012 on the file of IX City Civil Court, Chennai. In this regard, her grievance is that as her husband is only a surety and he did not borrow any amount as loan, the creditor company ought to proceed against the borrower only namely the said M.Anandkumar and hence after her husband's death, the Execution Proceeding got abated and no attachment can be continued.

3.Heard the learned counsel appearing for the petitioner.

4.The petitioner's husband late N.Chandrakumar, S/o.Natarajan, was a garnishee of JD3 in E.P. No.2061 of 2013 in ACP. No.(EF/CAR)088 of 2012. The garnishee for JD3 was proceeded exparte as a result the order of attachment was made absolute on 28.02.2014. Without challenging that order, the present writ petition cannot be filed. No writ can be issued to set aside the collateral proceedings that became final and concluded in a civil proceeding that ended with an order of attachment dated 28.02.2014. Hence, this writ petition cannot be entertained. Accordingly, the Writ Petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vga

To

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+ 1 cc to Mr.R. Chellappan, Advocate Sr.24895

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LRS (CO)
Eu 1.06.16

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