

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2016

CORAM

THE HONOURABLE **Mrs. JUSTICE. S.VIMALA**

CRP(NPD)No.3411 of 2015

and

M.P.No.1 of 2015

1.K.Sundararajan

2.K.Meenakshi

3.R.Karnan

... Petitioners/Appellants

Vs.

1.M/s.Shriram City Union Finance Ltd.

Represented by its Authorised Signatory

No.149, 5<sup>th</sup> Floor, Greams Road,

Chennai – 600 006.

2.N.Jayashankar [given up]

...Respondents/Respondents

**Prayer :-** Civil Revision Petition (NPD) filed under Section 115 of Civil Procedure Code, praying to set aside the order passed in E.P.No.2414 of 2013 in ACP.No.183 of 2011, dated 21.01.2015 on the file of the Hon'ble X Assistant Judge, City Civil Court, Chennai and allow the same.

For Petitioners : Mr.D.Sampath Kumar

For Respondents : No appearance

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**ORDER**

By the Arbitral Award, these three revision petitioners herein along with one R.Karnan were directed to pay Rs.1,63,181/- to the respondent either jointly or severally with interest on Rs.58,100/- @ 18% per annum from 30.08.2011 till realisation and also Rs.5,000/- towards the cost of arbitration.

2. In case of non-compliance, the respondent/decreed holder was permitted to execute the award for recovery of the amount. Accordingly, the respondent herein filed a petition for execution under Order 21 Rule 48 C.P.C., praying for attachment of salary of JD-2 & JD-4 and under Order 21 Rule 48A for attachment of salary of JD-3 through Garnishees in E.P. No.2414 of 2013 before the City Civil Court, Chennai. Thereafter, on 11.02.2014, the execution petition was dismissed as against JD-3 as not pressed. The judgment debtors filed their objections.

3. After hearing both sides, the executing Court, rejected the objections of the respondent and ordered attachment of salary of the judgment debtor 2 & 4 (viz., Meenakshi & Karnan) by the order dated

21.01.2015. Challenging the same, this Revision Petition has been filed by the petitioners 1,2 & 4, who were the judgment debtors 1,2 & 4 and respondents 1,2 & 4 in the arbitral proceedings.

4. During the course of arguments, the learned counsel for the revision petitioners submitted that as per the conditional order passed by this Court dated 21.08.2015, the entire decree amount has been deposited to the credit of E.P.2414 of 2013 in ACP.No.183 of 2011. In support of the submissions, the receipt nos.89 (Rs.40,000/-), 125 (Rs.35,000/-) 137 (Rs.45,000/-), 145 (Rs.28,000/-) , 148 (Rs.40,245/-) dated 24.08.2015, 25.09.2015, 08.10.2015, 14.10.2015, 20.10.2015 have been filed. From the receipts, it is evident that the decree holders had deposited a sum of Rs. 1,88,245/-.

6.The claim raised in the Execution Petition is Rs.1,88,245/-, which includes the costs as awarded by the arbitrator, advocate fees, E.P. Expenses, interest on Rs.58,100/- ( from the date of award ie., 30.08.2011 to 03.06.2013).

7.As per the terms of the award, interest on Rs.58,100/- is still payable from 04.06.2013, till the date of payment, as the interest on Rs.58,100/- has been paid only upto 03.06.2013.

7.The respondent herein did not appear despite notice.

7.1. The documents produced show that the substantial part of the money payable under the decree has been paid. Therefore, the order of attachment stands set aside. The balance is payable within a period of one month. If not, it is open to the decree holder to take appropriate proceedings against the Revision Petitioners.

8.This Civil Revision Petition is ordered in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

**03.02.2016**

ds/arr

To

Learned X Assistant Judge,  
City Civil Court, Chennai

**S.VIMALA, J.**

ds/arr

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