



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM

C.R.P (MD) Nos.792, 793 and 794 of 2016 (NPD)
and
C.M.P. (MD) .Nos.3996, 3997 and 3998 of 2016

1.G.Regina Mary
2.G.Jose Ferdinar
3.G.Andrews Fenard

..Petitioners in all petitions

Vs.

1.G.Janasis Renold
2.G.Renolon Livingth
3.G.Jacintha
4.G.Benitta
5.M/s.Nellai Uma Chit Fund (P) Ltd.,
through its Managing Director,
A.Ayyasamy

.. Respondents in all petitions

Common Prayer: These Civil Revision Petition are filed under Article 227 of the Constitution of India, against the fair and decretal order, dated 17.02.2016 and 10.02.2016 respectively made in E.A.Nos.39, 40 and 41 of 2016 in E.P.Nos.277, 279 and 278 of 2013 in chit Case Nos.43, 40 and 47 of 2000 respectively, on the file of the Principal Sub Court, Tirunelveli.

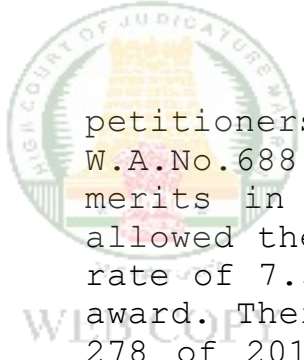
For Petitioners : Mr.R.Maheshwaran
for M/s.G.Prabhu Rajadurai
in all petitions

COMMON ORDER

These Civil Revision Petitions have been filed against the fair and decretal orders, dated 17.02.2016 and 10.02.2016 made in E.A.Nos.39, 40 and 41 of 2016 in E.P.No.277, 279 and 278 of 2013 in chit Case Nos.43, 40 and 47 of 2000, respectively, on the file of the Principal Sub Court, Tirunelveli.

2. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

3. The petitioners are the legal representatives of one George, who partook in chits conducted by the respondents. Having moved an action for partaking sums due to it, the respondents after the demise of the said George, impleaded the petitioners as his legal representatives. Award came to be passed against the



petitioners. On challenge and upon pronouncing orders in W.A.No.688 to 692 of 2008 dated 17.04.2013, this Court found no merits in the contention of the petitioners, but however partly allowed the Writ Appeals, observing that costs will be paid at the rate of 7.5% per annum, instead of 12% per annum as decreed in the award. Thereafter, the respondents moved EP in E.P.No.277, 279 and 278 of 2013. Pursuant to filing of counter and on consideration, the said EPs were ordered (partly allowed) and subject to the charge of the Union Bank of India, Madurai Road, Tirunelveli, the petitioners' properties, which admittedly they are inherited from their father George were attached. The petitioners moved E.A.Nos.39, 40 and 41 of 2016, for raising of attachment stating that they were ready to pay specific sums. The Court below has dismissed such petition by order dated 17.02.2016, finding that no sum have been paid by the petitioners. The petitioners have come up with the present Civil Revision Petitions.

4. The contention of the learned counsel for the petitioners is that this Court, while allowing the Writ Appeals, has observed that interest is to be paid by the petitioners at the rate of 7.5% per annum. The same is payable not only from the date of the award, but from the date of the filing of the chit petitions by the respondents.

5. The relevant observations of this Court shows that this Court has informed that interest will be paid only at the rate of 7.5% instead of 12% as decreed in the award. A reading of the original award reveals that the total amount due has been directed to be paid from the date of award to the date of recovery. Therefore, the respondents are not in error in seeking interest on the sum awarded and at the rate of 7.5% from the date of award.

6. Accordingly, these Civil Revision Petitions are **dismissed**. However, it is open to the petitioners to effect payment in keeping with the claim in E.P.Nos.277, 279 and 278 of 2013, towards safeguarding their rights. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

The Principal Sub Court, Tirunelveli.

+1cc to M/s.G.Prabhu Rajadurai, Advocate in SR.No.22339

SDR/SK-SKN/29.06.2016/2P/3C