

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(NPD) No.893 OF 2017
AND C.M.P.No.4375 of 2017

1. Thangavel
2. Sundararaj

... Petitioners

Vs.

Mahindra & Mahindra Financial Service Ltd.,
Having its registered office at Gateway Building,
Apollo Bunder, Mumbai-400 001.
With its Corporate office at : Sadhana House,
2nd Floor, 570, P.B.Marg, Behind Mahindra Towers,
Worli, Mumbai 400 018.

Rep by its Power Agent K.Thangadurai,
Having office at Salem Branch Office,
215/4, First Floor, Abiroopa Tower,
Omalur Main Road, Meiyanoor Village, Salem - 636 004.

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, as against the order dated 13.02.2017 passed in REP.No.11 of 2014 in A.R.B.(M & M) No. 1949 of 2012 on the file of the Principal District and Sessions Judge, Salem and the allow the above C.R.P.

For Petitioners : Mr.R.Nalliyappan

For Respondent : Mr.A.Prabhakaran

ORDER

This petition has been filed against the order dated 13.02.2017 passed in R.E.P.No.11 of 2014 in A.R.B.(M & M) No. 1949 of 2012 on the file of the Principal District and Sessions Judge, Salem.

2. Arbitration award was passed on 26.04.2013 in favour of the respondent herein directing the petitioners herein to pay the award amount for a sum of Rs.8,68,742/- together with interest at the rate of 3% per month. Thereafter, R.E.P.No.11 of 2014 was filed by the respondent/judgment debtor wherein the order was passed on 13.02.2017 for further payment and also ordered arrest by 13.03.2017. Challenging the said order the petitioner has filed the present revision petition.

3. Heard the submissions made by the learned counsel appearing for the parties it is seen that the arrest is ordered without recording means evidence. Learned counsel for the respondent would submit that the matter may be remanded back for consideration before the Execution Court.

4. Considering the submission made by the parties, the order of arrest passed by the Execution Court dated 13.02.2017 be and is hereby set aside and the matter is remanded back for disposal of the proceedings in accordance with law.

5. With this direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.07.2017

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To
The Principal District and Sessions Judge, Salem

M. GOVINDARAJ, J.

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