



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD).No.907 of 2016

and

C.M.P.(MD).No.8340 of 2016

A.Govindaraj

... Appellant/Petitioner

Vs.

Margadarsi Chits Pvt.Ltd,
Represented by it
Foreman Alagumani,
No.7/54, 3rd Floor,
Ideal Garden Complex,
Junction main Road,
Salem-4

... Respondent/Respondent

Prayer:- This Civil Miscellaneous Appeal is filed under Order 43, Rule 1 (ia) of Civil Procedure Code, to set aside the petition order dated 11.08.2016 made in E.A.No.228 of 2015, in R.E.P.No.162 of 2015, on the file of the Additional District Court, Dindigul, in A.O.P.No.208 of 2006, on the file of the Deputy Registrar of Chits, Salem.

For Appellant	: Mr.J.Lawrance
For Respondent	: Mr.R.Devaraj

JUDGMENT

Heard the learned counsel on either side.

2.The appellant is the guarantor in a chit transaction and the original borrower committed default. Therefore arbitrarian proceedings were initiated. The appellant as the guarantor was made as party to the proceedings. The award was passed. To execute the same, Execution Petition was filed by the respondent herein. The appellant was set ex-parte to set aside the same, he filed E.A.No.228 of 2015 and the same was dismissed. Challenging the dismissal of the said petition this appeal was filed.

<https://hcservices.co.uk/Blind/1/hcservices.co.uk> imposed a condition that the appellant shall deposit a sum of Rs.2,00,000/- to the credit of Execution Petition.



4.The learned counsel appearing for the respondent submits that the condition imposed by this Court, was not complied with the appellant.

5.In view of the above, since the condition imposed by this Court was not complied with by the appellant, I am inclined to dismiss the appeal. This Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

tsg/lis

To

1.The Additional District Judge,
The Additional District Court,
Dindigul.

3.The Record Keeper, (2 Copies)
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to MR.J.LAWRENCE, Advocate SR.No.90946

+1 cc to MR.R.DEVARAJ, Advocate Sr.No.90940

C.M.A. (MD) .No.907 of 2016
05.12.2017

SMA/SV-MMS/SAR-2/31.05.2018:2P/6C