



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.06.2017

CORAM :

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

C.R.P (PD) (MD) No.1182 of 2017

and

C.M.P. (MD) No.5544 of 2017

WEB COPY

1.Nagamuthu
2.Boopathi
3.Sekar

: Petitioners

vs.

1.Sriram City Union Finance Limited,
No.21, Sree Complex, 2nd Floor, Madurai Road,
Tiruchirappalli-8, Rep. By
Authorised Signadory,
C.S.Venkateswaran.

2.P.Karthikeyan
3.K.Banumathi
4.P.Sakthivel

: Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records to the order passed by the learned Principal District Judge, Tiruchirappalli in E.P.NO.303 of 2015 in A.C.P.No.102 of 2012 dated 13.02.2017, to set aside the same by allowing this Revision and dismissing the execution petition filed by the decree holder with costs.

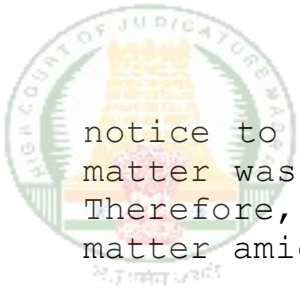
For Petitioner : Mr.N.Sivasubramani

ORDER

In the money transaction, arbitration proceedings were initiated in the year 2012 in A.C.P.No.102 of 2012 wherein, award was passed on 07.08.2013. The decree holder filed E.P.No.303 of 2015 on 19.09.2014 against the judgment Debtor and the matter was pending for nearly three years.

2.The Execution Court has made an order of attachment on 07.03.2017 after giving opportunity to the garnishee and respondents 4 to 6, and thereof, their attachment was made absolute. The present revision petition has been filed by the respondents 4 to 6 therein, on the ground that while the principal debtors are ready to discharge the debt, the revision petitioners who are the guarantors to the transaction are now suffering with an order of attachment.

3.According to the revision petitioners, the principal debtor filed an application before the Execution Court to refer the matter to the Lok Adalat for amicable settlement. Without any



notice to the principal debtors and the revision petitioners, the matter was remanded back to the Execution Court by the Lok Adalat. Therefore, the petitioners seek an opportunity to settle the matter amicably through Lok Adalat.

4. This Court to understand whether the said contention is bona fide or not, scrutinized the 'B' diary extract in E.P.No.303 of 2015 which reveals, the E.P. amount is to the tune of Rs.2,30,133.50/-. After the receipt of the notice, these revision petitioners have entered appearance through counsel on 12.06.2015 and sought time to file counter. Since, no counter has been filed, they were set ex parte and notice to garnishee has been issued on 12.08.2015. Thereafter, the application to set aside the ex parte order was taken out by the petitioners on 16.09.2015 which was numbered as E.A.No.100 of 2015. The same was allowed on 28.10.2015 after several adjournments. Similar plea which is raised before this Court today on 22.06.2017 was made by the revision petitioners on 05.12.2015 to refer the matter to Lok Adalat.

5. Thereafter, the Execution Court had adjourned the matter on several occasions from 05.12.2015 to 04.01.2017 to settle the dispute through Lok Adalat. In spite of adjourning the matter for nearly 20 hearing between 05.12.2015 to 04.12.2016, no settlement could be arrived and no payment forth coming therefore the Court has closed ordered attachment and made E.P.No.303 of 2015 is made absolute on 07.03.2017.

6. This Court finds no reason to show any indulgence in entertaining this Civil Revision Petition. Since, the revision petitioners have filed this petition only to drag the proceedings and not to discharge the decree amount which they suffer.

Hence, this Civil Revision Petition is dismissed. No costs. Consequently, C.M.P. (MD) No.5544 of 2017 is closed.

Sd/-

Assistant Registrar (CS II)

/True copy/

Sub Assistant Registrar

To

The Principal District Judge,
Tiruchirappalli.

C.R.P (PD) (MD) No.1182 of 2017
and

C.M.P. (MD) No.5544 of 2017