



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2018

CORAM

THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

C.R.P (NPD) (MD) .No.2366 of 2018

and

C.M.P (MD.No.10584 of 2018

D.Premkumar

... Petitioner

Vs.

1. Sriram City Union Finance Ltd.,
Door No.128/2, A.P.Mada Theru,
Tirunelveli Town.

2. S.S.K.Cheziyan

... Respondents

Prayer : Petition filed under Article 227 of the Constitution of India, to call for the records related to the orders passed in E.P.No.149 of 2013 in A.C.P.No.3 of 2012, dated 25.01.2018 on the file of the Principal District Munsif, Tirunelveli and set aside the same as illegal.

For Petitioner

: Mr.T.A.Ebenezer

ORDER

This Civil Revision Petition is directed against E.P.No.149 of 2013 ,which has been filed by the Finance Company to enforce an arbitral award.

2. The case of the revision petitioner is that he is not the principal borrower and that he is only a guarantor. But this submission is to be stated only to be rejected in view of Section 128 of the Indian Contract Act, 1872, which states that the liability of the surety is co-extensive with that of the principal debtor, unless it is otherwise provided by the contract. The revision petitioner has not shown anywhere that it is otherwise provided in the contract.

3. In this view of the matter, I find no merit in this Civil Revision Petition and this Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-I)



To

The Principal District Munsif, Tirunelveli.

+1cc to Mr.T.A.Ebenezer, Advocate Sr.No.91767

rmk

VB/SV/SAR1/13.12.2018/2P/3C

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