

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2020

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP.(NPD).No.4212 of 2014
and
MP.No.1 of 2014

C.Murugesan ...Petitioner/4th Respondent
/4th Judgement Debtor

Vs.

1.M/s.Sriram City Union Finance Limited,
represented by its Authorized representative
P.Sureshkumar,
Salem II Branch,
No.5/250, Vijaya Towers,
Junction Main Road, Salem – 4. ...1st Respondent/petitioner
/Decree holder

2.A.Gokulraj

3.G.Deivanayagi

4.A.Mariappan

...Respondents 2 to 4/
Judgment debtors 2 to 4

PRAYER: This Civil Revision Petition has been filed under Section 115 of CPC, 1908, to set aside the order of attachment dated 19.08.2014 in REP.No.191 of 2013 in ACP/TL/No.25 of 2012 on the file of the learned District and Sessions Judge, Salem and to allow CRP.

For Petitioner : No appearance

For R1 : Mr.K.V.Anantha Krushnan

For R2 to R4 : No appearance

ORDER

This Civil Revision Petition has been filed against the order of attachment passed by the learned District and Sessions Judge, Salem, in REP.No.191 of 2013 in ACP/TL/No.25 of 2012, dated 19.08.2014.

2 The first respondent herein viz., M/s.Sriram City Union Finance Limited, has filed ACP.No.25 of 2012 before the Competent Authority and as per the arbitration proceedings in ACP/TL.No.25/2012, has obtained a award for a sum of Rs.1,21,696/- along with 18% interest for dates mentioned therein. Accordingly, they filed REP.No.191 of 2013, before the Court of the learned Additional Subordinate Judge – I, for execution of the award amount. In view of attachment of salary, after sufficient time was granted in REP.No. 191 of 2013, on 06.11.2014, the learned Judge has ordered for attachment of salary through the judgment debtors viz., a sum of Rs.4,000/- out of 12,000/- per month from third respondent and a sum of Rs.3,000/-, out of Rs.10,000/- per month, from the fourth respondent. Such order is under challenge.

3 Heard the learned counsel for the first respondent

and perused the materials placed on record.

4 The amount awarded by the Arbitration in ACP/TL.No.25/2012 was not challenged before the Court in the manner known to law. The Execution Court cannot go beyond the decree, as the amount is not paid and enforceable against the judgment debtor-the revision petitioner and the amount is lying with Garnishees of respondents 3 and 4 in R.E.P.No.191 of 2013. Accordingly, the lower Court has ordered for attachment and the same does not suffer from any illegality.

5 With the above observations, the Civil Revision Petition stands dismissed and the order of attachment passed in REP.No.191 of 2013 in ACP/TL/No.25 of 2012 by the learned District and Sessions Judge, Salem, dated 19.08.2014, is hereby confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

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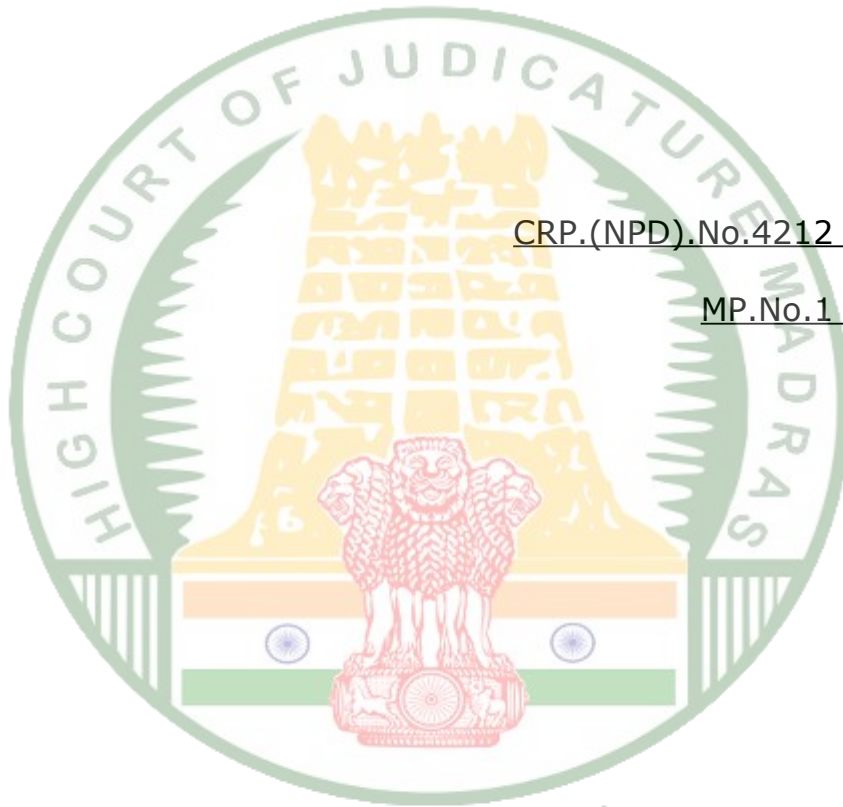
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Speaking Order:Yes/No
To
The District and Sessions Judge, Salem.

RMT.TEEKAA RAMAN., J.

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