



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.R.P(NPD) (MD)Nos.2044 & 2045 of 2012

and

M.P. (MD)No.1 of 2012

A.Yesu ... Petitioner in both C.R.Ps./Respondent

.vs.

Sriram Transport Finance Company Ltd.
Having Office at D.No.24/2
Opposite to Chidambaram Petrol Bunk
Near United India Assurance Company Ltd.
Dindigul Main Road, Batlagundu
Dindigul District.

And

Door No.73, Vistom Plaza 1st Floor
Opposite to Taluk Office
Katcheri Road, Dindigul

and

Door No.4, Moohambika Complex 3rd Floor
II Floor, Lady Thesiga Road, Mylappore
Chennai.

Represented through

its Manager Sathiskumar. ... Respondent in both C.R.Ps./
Petitioner

Prayer in C.R.P. (NPD) (MD)No.2044 of 2012:-Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 22.11.2011 passed in I.A.No.6 of 2009 in E.I.O.P.No.1 of 2008 on the file of the Principal District Judge, Theni.

Prayer in C.R.P. (NPD) (MD)No.2045 of 2012:-Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 22.11.2011 passed in E.I.O.P.No.1 of 2008 on the file of the Principal District Judge, Theni.



For Petitioner : Mr.K.Chengiz Khan
(In both C.R.Ps)
For Respondent : Mr.Ananth C. Rajes
(In both C.R.Ps)

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COMMON ORDER

The petitioner has filed these Civil Revision Petitions against the fair and decreetal order dated 22.11.2011 passed in I.A.No.6 of 2009 in E.I.O.P.No.1 of 2008 and E.I.O.P.No.1 of 2008 respectively on the file of the learned Principal District Judge, Theni.

2. It is the case of the revision petitioner that on 13.07.2007, the petitioner has borrowed a sum of Rs.5,75,000/- from the respondent for developing his business activities, after hypothecation of a Lorry, bearing Registration No.TN-60A-2076. At the time of lending money, the respondent had obtained signatures from the petitioner in the empty promissory notes and stamp papers and the said amount has to be paid in monthly installments. However, due to financial crisis, the petitioner did not pay the installments in time. Therefore, the respondent threatened the petitioner with antisocial elements. Hence, the petitioner has preferred a complaint against the respondent under the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 in E.I.O.P.No.1 of 2008 before the learned Principal District Judge, Theni. Pending the petition in E.I.O.P.No.1 of 2008, the respondent has also filed an application in I.A.No.6 of 2009 seeking to refer the matter to an Arbitrator, since there is an arbitration clause in the loan agreement.

3. The learned Judge, after perusing the materials available on record, allowed the application in I.A.No.6 of 2009 filed by the respondent and referred the matter to the Arbitrator and dismissed the petition in E.I.O.P.No.1 of 2008. Challenging the same, the revision petitioner has filed the present Civil Revision Petitions.

4. This Court heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and also perused the materials available on record.

5. It is seen from the orders impugned herein that the Court below, considering the factum of loan-cum-hypothecation agreement, particularly, clause 10.14, referred the matter to the Arbitrator. This Court is of the view that there is no illegality or infirmity in the orders so passed by the Court below. Hence, these Civil Revision Petitions are disposed of, leaving it open to the



petitioner to raise all the legal grounds available to him, before the Arbitrator, if the arbitral proceedings are pending and if not, disposed of earlier. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Principal District Judge, Theni.

+1 CC to M/s.ANANTH C. RAJESH, Advocate (SR-20364[F] dated 16/10/2020)

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-20615[F] dated 20/10/2020)

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KM(CO)

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