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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P. (PD) (MD)No.2624 of 2017

and

C.M.P. (MD)No.12087 of 2017

P.Selvaraj ... Petitioner/Respondent No.1

.. Vs ..

1.M/s.Shriram Transport Finance Company Limited,  
represented by its Power of Attorney.

R.Anandh Kumar ... 1<sup>st</sup> Respondent/Petitioner

2.P.Dharmarajan ... Respondent/2<sup>nd</sup> Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to strike off the proceedings in E.P.No.40 of 2013 in A.C.No.144 of 2010 pending on the file of the Principal District Court, Madurai.

For Petitioners : Mr.S.Malaikani

**ORDER**

This Civil Revision Petition is filed to strike off the proceedings in E.P.No.40 of 2013 pending on the file of the Principal District Court, Madurai.

2.The revision petitioner has entered into a loan agreement with the first respondent. The petitioner is a borrower and the second respondent is a guarantor. For non payment of dues to the financier, namely, the first respondent, arbitration proceedings was initiated in A.C.No.144 of 2010. The Arbitrator has passed an award directing the petitioner and the second respondent to pay jointly or separately, a sum of Rs.1,04,291/- to the first respondent with interest at 18% per annum. Pursuant to the award of Arbitrator, the first respondent filed an execution petition in E.P.No.40 of 2013 to execute the award. With the prayer to strike off the proceedings in E.P.No.40 of 2013, the above Civil Revision Petition is filed.

3.This Court find no merit in this Civil Revision Petition, as the execution petition preferred by the first respondent to execute the Arbitration Award in A.C.No.144 of 2010 is perfectly correct. The petitioner has raised some grounds, which are



available to him to challenge the award in a proceeding, that may be initiated to set aside the award. However, the executability of the arbitration award cannot be challenged. The Executing Court cannot go behind the award on the grounds raised by the revision petitioner.

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4.As a result, this Civil Revision Petition is dismissed and the learned Principal District Judge, Madurai, is directed to dispose of the petition in E.P.No.40 of 2013 in A.C.No.144 of 2010 on merits in accordance with law within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Principal District Judge, Madurai.

C.R.P. (PD) (MD) No.2624 of 2017

12.08.2020

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