

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(N.P.D).No.2691 of 2016

Magma Fincorp Ltd.,
A company incorporated under the
Companies Act, 1956 and
having its registered office at
Magma house, 24, Park Street
Calcutta-700 016.
and its subordinate office at
Nelson Manickam Road, Choolaimedu
Chennai - 600 094.

...Petitioner

1.P.Jeevajoithi
2.Latha
3.Palaniappan

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 17.11.2015 passed in E.P.No.260 of 2014 in Arbitration Case No.811 of 2013 on the file of the III Additional District Judge, Salem and direct the Lower Court to proceed with EP.

For Petitioner : Mr.Tamilarasan for
M/s T.Srinivasaraghavan and Asso.

For Respondents : No appearance

ORDER

The Civil Revision Petition is directed as against the fair and decretal order dated 17.11.2015 passed in E.P.No.260 of 2014 in Arbitration Case No.811 of 2013 on the file of the III Additional District Judge, Salem and to direct the Lower Court to proceed with EP, thereby dismissed the execution petition filed by the petitioner herein.

2.The petitioner is the decree holder in Arbitration Case No.811 of 2013. The petitioner filed execution petition on the strength of the award dated 10.04.2013, seeking arrest of the respondents herein.

3.It is curious to note that the 2nd respondent is a woman. Therefore, Civil arrest of a woman is not maintainable. Further, the petitioner is the Company and no petition was filed to permit the petitioner Company to represent through its power agent as required under Order 3 Rule 11 of CPC. On these grounds, the execution petition was dismissed by the Court below.

4.In view of the above, this Court finds no infirmity or irregularity in the order dated 17.11.2015 passed in E.P.No.260 of 2014 in Arbitration Case No.811 of 2013 on the file of the III Additional District Judge, Salem.

5.Accordingly, the Civil Revision Petition is dismissed. No Costs.

10.02.2021

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No
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To
The III Additional District Judge, Salem.

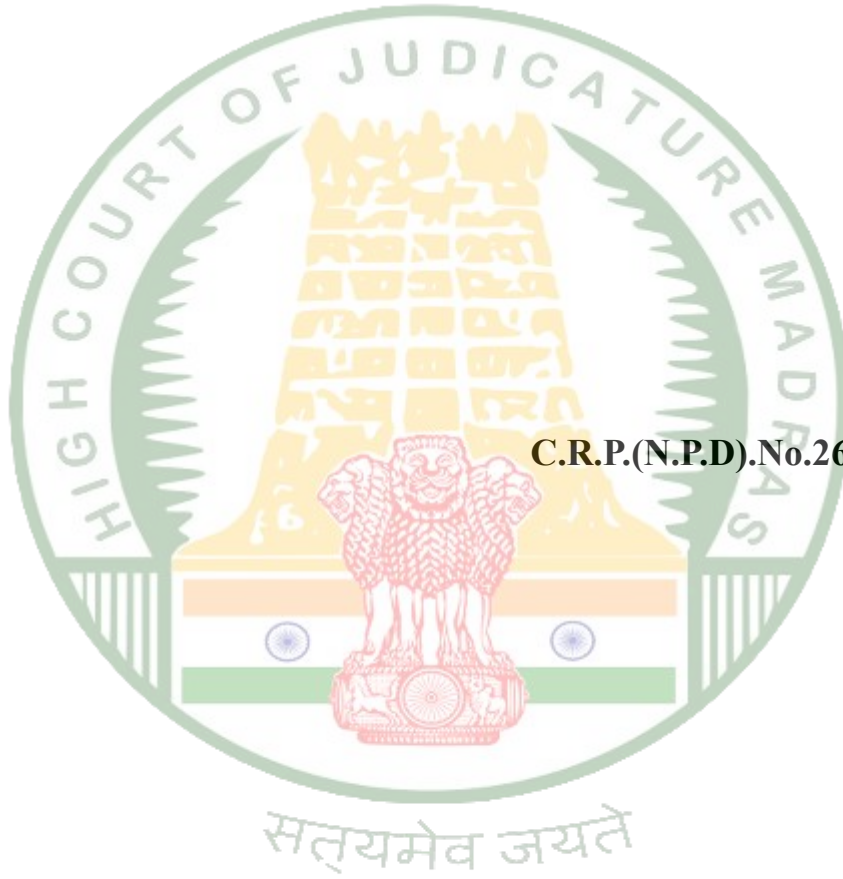


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G.K.ILANTHIRAIYAN.J,

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