

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 16.09.2021**

**CORAM:**

**THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN**

**C.R.P.(NPD)No.1917 of 2021**  
**and C.M.P.No.14871 of 2021**  
(Through Video Conference)

N. Subramani

...Petitioner

Versus

Shriram City Union Finance Limited,  
Registered Office: No. 123, Angappa Naicke Street,  
Chennai 600 001, Branch Office at:  
No. 464/JR Complex. Gugai, Salem,  
By its representative

...Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order of attachment dated 07.12.2020 made in R.E.P. No.139 of 2018 on the file of the learned Additional District Judge, Namakkal.

For Petitioner : Mr.K.A. Mariappan

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**ORDER**

This Civil Revision Petition is filed to set aside the order of attachment dated 07.12.2020 made in R.E.P.No.139 of 2018 on the file of the learned Additional District Judge, Namakkal.

2. The learned counsel for the petitioner submitted that the property attached in R.E.P.No.139 of 2018, is a joint family property, consisting of the petitioner and his brothers and sisters. The respondent initiated arbitration proceedings in A.O.P.No.1/2015 and award was passed against the petitioner. The respondent also filed R.E.P.No.139 of 2018 for attaching the property, which is not the exclusive property of the petitioner. Therefore, he prays for the attachment of the order in respect of the entire property in R.E.P. No.139 of 2018 to be set aside .

3. Considered the rival submissions made on either sides and perused the records.

4. Admittedly, the suit was filed in O.S.No.1 of 2015 by Thulais mani and Sarasvathy against the petitioner and 21 others, including the respondent herein for the relief of partition. Item no.3 of the suit property is the property concerned in R.E.P.No.139 of 2018. If the property in R.E.P. No.139 of 2018 is a joint family property, certainly, the attachment ordered against the share of other sharers can be agitated by other sharers by way of filing an application under Order XXI Rule 58 of the Code of Civil Procedure.

5. In view of the fact that the Award passed in A.O.P.No.1/2015, there is no prohibition for the respondents to proceed against the share of the petitioner.

In view of this matter, this Court finds the attachment ordered as such, cannot be set aside. If the other sharers so wishes, they can move an application before the learned Additional District Judge, Namakkal for raising the order of attachment in respect of their share is concerned. The learned Judge is also directed to ensure that only the property of the petitioner/share of the petitioner is proceeded against for realising the award amount.

6. Accordingly, this **Civil Revision Petition is Disposed**. No costs. Consequently, connected miscellaneous petition is closed.

16.09.2021

Index: Yes/ No  
Speaking Order / Non-Speaking Order

sts/jai

To:  
The Additional District Judge,  
Namakkal.

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**G.CHANDRASEKHARAN, J.,**

sts/jai



Order made in  
**C.R.P.(NPD)No.1917 of 2021**

WEB COPY

Dated:  
**16.09.2021**