



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P (NPD) .NO.2328 OF 2021

1.R.Murugan

2.V.Jaigar

3.S.Bharati

...Petitioners

Vs.

M/s.Jayapriya Chit Funds (P) Ltd.,
Rep. By Foreman, Karthikeyan,
Branch Office at Raja Archade,
RBL Bank Opposite, Alagapuram,
Salem.

...Respondent

Prayer : Civil Revision Petition filed under Section 115 of C.P.C., against the judgment and decree dated 02.03.2021 in REP.No.125 of 2018 against the Arbitral Award No.32 of 2016 on the file of the I-Additional Sub-ordinate Judge, Salem.

For Petitioner : Mr.S.Natarajan

O R D E R

Challenge in this revision is to the order made in EP.No.125 of 2018 directing attachment of the salaries of the petitioners.

2.The petitioners are the guarantors in a chit transaction. Since the Principal Debtor failed to repay the money, an award came to be passed in Arbitral Award No.32 of 2016 by the Deputy Registrar of Chits, Salem. The said award was put in execution in REP.No.125 of 2018. The petitioners were initially set exparte. Then, they filed an application under Order 21 Rule 106 of C.P.C., which came to be allowed. After hearing, the Executing Court directed attachment.

3.Heard Mr.S.Natarajan, learned counsel appearing for the petitioner.

4.The learned counsel appearing for the petitioners would submit that the Debtor not receive Rs.5,00,000/- as claimed by



the Chit Company in the Arbitration proceedings. Relying upon the passbook of the Bank Account of the Principal Debtor, the learned counsel would submit that what was received was only a sum of Rs.3,00,000/- and therefore, award on the basis of that Rs.5,00,000/-, was the borrowing is wrong. The Executing Court has rightly rejected the said submissions and passed an order for attachment of the salaries of the petitioners.

5.The petitioners have admittedly remained exparte in the arbitration proceedings. They cannot now raise a plea that the award is wrong. The award of the Deputy Registrar passed under the Chit Funds Act is executable as if it is a decree of a Civil Court. Therefore, the Executing Court cannot go behind the decree and test the correctness of the same. Since the petitioners are only Guarantors, it is always open to them to recover the monies paid by them in discharge of the decree from the Principal Debtor. Therefore, no prejudice would be caused to the petitioners. This civil revision petition therefore, fails and it is accordingly dismissed. No costs.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

kkn

To:-

The I-Additional Sub Judge,
Salem.

+2ccs to Mr.S.Natarajan, Advocate Sr.No.62319

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RSV (CO)
RVM(27/12/2021)