

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

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THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

**C.R.P.(NPD) Nos.4292, 4293 and 4295 of 2019
and C.M.P.Nos.27977, 27980 and 27985 of 2019**

P.Saravanan

...Petitioner in

C.R.P.No.4292 of 2019

R.Arulprakasam

...Petitioner in

C.R.P.No.4293 of 2019

Shanmugavel

...Petitioner in

C.R.P.No.4295 of 2019

Vs.

1.Jayapriya Chits Private Limited
Kurinjipadi Branch
Cuddalore District.

2.The Registrar
Annamalai University
Chidambaram.

...Respondents in
C.R.P.No.4292 of 2019

1.Jayapriya Chits Private Limited
Kurinjipadi Branch
Cuddalore District.

2.The Secretary
SKV Higher Secondary School
Kurinjipadi.

...Respondents in
C.R.P.No.4293 of 2019

1.Jayapriya Chits Private Limited
Kurinjipadi Branch
Cuddalore District.
2.The Registrar
Annamalai University
Chidambaram.

...Respondents in
C.R.P.No.4295 of 2019

Common Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order in E.P.No.353 of 2018 in A.R.C.No.1174 of 2013 on the file of the I Additional Subordinate Court, Cuddalore and dated 15.07.2019.

In C.R.P.(NPD) Nos.4292, and 4295 of 2019:

For Petitioners : Mr.R.Poornima

For Respondents : Mr.C.A.Anburaja for R1
Mr.C.Munisamy for R2

In C.R.P.(NPD) No.4293 of 2019:

For Petitioners : Mr.R.Poornima

For Respondents : Mr.C.A.Anburaja for R1

COMMON ORDER

These Civil Revision Petitions are filed, against the order dated 15.07.2019 in E.P.No.353 of 2018 in A.R.C.No.1174 of 2013 on the file of the I Additional Subordinate Court, Cuddalore.

2.The learned counsel for the petitioners submitted that as per the award amount in A.R.C.No.1174 of 2013, the petitioners paid the instalments and only from 17th instalment, they defaulted in making payment. Though, payments made towards the award amount, part payments had not been considered. Therefore, the order directing the garnishee to deduct 1/3rd amount of the salary of the petitioners is not correct. Thus the learned counsel for the petitioners prayed for setting aside the order of the learned I Additional Subordinate Judge, Cuddalore.

3.Copy of the award dated 15.07.2019 in E.P.No.353 of 2018 in A.R.C.No.1174 of 2013 is filed. It shows that the award was passed against the 7th respondent in A.R.C.No.1174 of 2013 including the petitioners and the petitioners were directed to pay a sum of Rs.6,53,340/- with 24 % interest from the date of institution of the case till the date of realisation of the amount with costs. The present execution proceeding is filed against the petitioners especially the respondents in the execution proceedings, to deduct their part of the salary towards the award amount. The learned I

Additional Subordinate Judge, Cuddalore, after considering the materials produced, passed an order directing the garnishee, the 2nd respondent herein to exclude the first Rs.1,000/- and 2/3 of the remainder from the salary of the petitioners and to recover 1/3 amount alone for 24 months or till Rs.8,000/- is recovered, whichever is earlier and remit the said sum (or 24 monthly instalments) to the Court. Thus the order in the given facts and circumstances of this case is perfectly in order and I do not find any reason to interfere with the order dated 15.07.2019 in E.P.No.353 of 2018 in A.R.C.No.1174 of 2013 on the file of the I Additional Subordinate Court, Cuddalore.

4. With regard to the claim of the learned counsel for the petitioners that when there is principal debtor, the 1st respondent in A.R.C.No.1174 of 2013 and the other respondents are also available, the execution proceeding has to be proceeded against them also. This Court is of the considered view that, it is for the decree holder to decide and proceed against the persons, from whom money can be recovered and who are legally liable to pay the money. The liability of a guarantor is co-extensive

with that of the principal debtor. The petitioners can very well claim contribution from the other respondents in A.R.C.No.1174 of 2013, after making payment.

5.With this observation, these Civil Revision Petitions are dismissed. No costs. Consequently connected miscellaneous petitions are closed.

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23.08.2021

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No

To

1.The I Additional Subordinate Judge,
Cuddalore.

2.The Section Officer

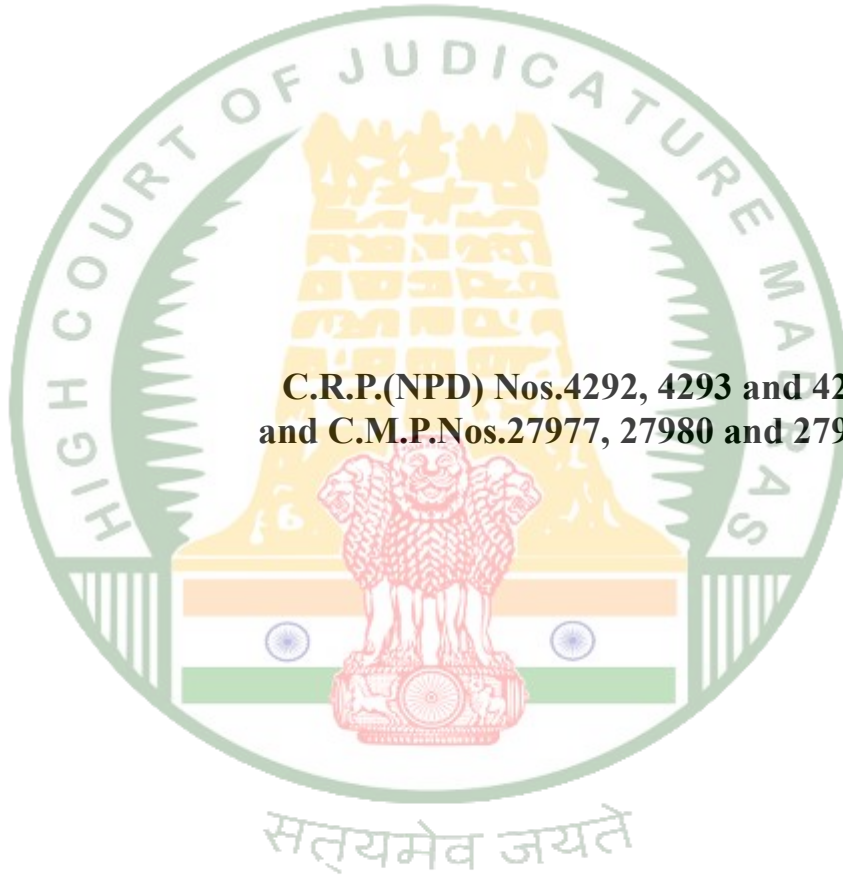
VR Section

High Court of Madras.

C.R.P.(NPD).Nos.4292, 4293 and 4295 of 2019

G.CHANDRASEKHARAN.J,

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