

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2021

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.3351 of 2017
and C.M.P.No.15577 of 2017

P.Paneerselvam
Fire Inspector, I.D.No.1025,
EE/O&M, MKB Nagar,
GPF. No.77710 CH,
Chennai Elec. Dir. Circle North,
TNEB, Chennai -39.

... Petitioner/Judgement Debtor No.3

Vs.

1.M/s. Shriram City Union Finance Ltd.,
Rep. By its Authorized Representative,
Office at No.123, Angappa Naicken Street,
Chennai – 600001.

... 1st Respondent/Decree Holder

2.M.Ravichandra Durai

3.Raj Vinoth

4.Anantharamakrishnan

5.Agnes Philomina

... Respondents 2 to 5/Judgement Debtors 1,2,4 & 5

[Notice to the Respondents 2 to 5 may be dispensed with since no relief has been sought for against them in this present CRP]

Prayer: The Civil Revision Petition filed under Section 115 of the Civil Procedure Code, 1908 against the fair and decretal Order passed in E.P.No.2727 of 2014 in A.C.P.No.(SEUF/EF) (NMK) 79 of 2011 dated 03.10.2016 on the file of the IX Assistant Judge, Civil Court at Chennai.

For Petitioner : Mr.K.V.Anangamudi

For Respondents : No appearance

ORDER

(Heard through video conferencing)

This Civil Revision Petition has been filed challenging the Order of the Executing Court dated 03.10.2016 in attaching the salary of this petitioner for recovering the Award amount.

2. The Petitioner is the 3rd Judgement Debtor.

3. The learned counsel for the petitioner submits that he never stood as a guarantor for the Principal Debtor and he has not signed any documents. It is further submitted that there are other guarantors who are also the judgement debtors but against whom, no recovery is made.

4. It is seen from the Order of the Executing Court that the Execution Petition has been filed against the judgement debtors. Since this judgement debtor is a salaried person, his salary is sought to be attached in the Execution Petition. This petitioner was a party to the Arbitration Proceedings and the Award passed by the Arbitrator would binds on this petitioner also. He did not

challenge the Award and the Award has attained finality. Under such circumstances, he cannot challenge the Order passed by the Executing Court for attaching the salary of the petitioner for recovery of the Award amount. The petitioner being a guarantor for the dues of the principal debtor, he is jointly and severally liable to pay the award amount.

5. The contention that the recovery has not been initiated against the other judgement debtors cannot be a ground to raise the attachment. Therefore, I find no factual error or legal infirmity in the Order of the Judge of the Executing Court.

Hence, this Civil Revision Petition is dismissed. No costs. Connected civil miscellaneous petition is closed.

24.06.2021

Speaking/Non-speaking
Index: Yes/No

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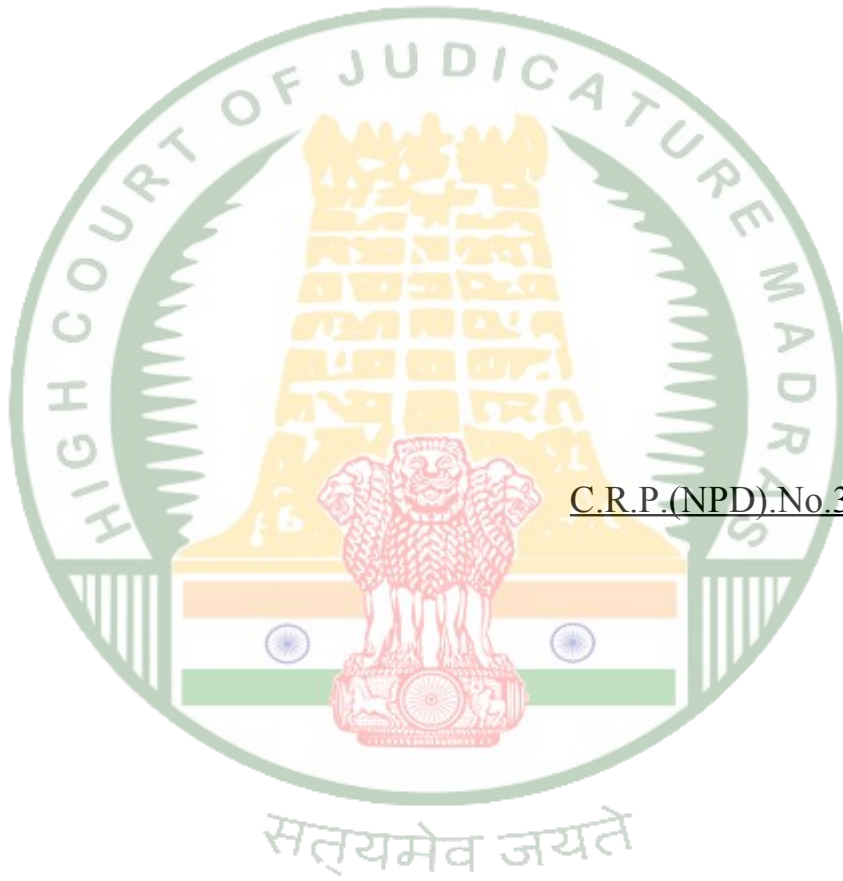
1. IX Assistant Judge,
Civil Court at Chennai.

2. The Section Officer,
V.R. Section,
High Court, Madras.

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R.N.MANJULA,J.

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