

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(NPD) Nos.3043, 3044 of 2018
and C.M.P.Nos.17666, 17671 of 2018

B.A.Judo Ramesh ... Petitioner in C.R.P.No.3043 of 2018

Babitha ... Petitioner in C.R.P.No.3044 of 2018

Vs

Margadarsi Chits Private Ltd.,
Represented by its Authorization Signatory,
Foreman and Manager R.Neelakantudu
having office at No.AA 152, Third Avenue,
Anna Nagar, Chennai - 600 040.

... Respondent in both CRP's

Prayer in C.R.P.No.3043 of 2018: Civil Revision Petition filed under
Section 115 of CPC, against the order and decretal order dated 16.08.2018
passed in E.A.No.498 of 2018 in E.P.No.2381 of 2015 in A.R.C.No.2274 of
2005 on the file of IX Assistant Judge, City Civil Court, Chennai.

Prayer in C.R.P.No.3044 of 2018: Civil Revision Petition filed under Section 115 of CPC, against the order and decretal order dated 16.08.2018 passed in E.A.No.499 of 2018 in E.P.No.2383 of 2015 in A.R.C.No.2274 of 2005 on the file of IX Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.P.Srinivasan
in both CRP's

For Respondent : Mr.S.Mayilnathan for
in both CRP's Mr.D.Shivakumaran

COMMON ORDER

These Civil Revision Petitions are filed against the orders and decretal orders dated 16.08.2018 passed in E.A.Nos.498 and 499 of 2018 respectively in E.P.Nos.2381 and 2383 of 2015 in A.R.C.No.2274 of 2005 on the file of IX Assistant Judge, City Civil Court, Chennai, thereby dismissing the applications to stay the operation of the orders passed in the Execution Petitions.

2. The petitioners are the Judgment Debtors and the respondent is the Decree Holder in the Execution Petitions. The respondent filed a case in A.R.C.No.2274 of 2005 and the Arbitrator passed an Award on 28.08.2006. On the basis of the Award, the respondent filed Execution Petitions in E.P.Nos.2381 and 2383 of 2015 and the orders of attachment were also passed by the Execution Court on 11.01.2018.

3. Pending the Execution Petitions, the petitioners filed an application in E.A.No.4467 of 2017 under Section 47 of CPC to dismiss the above Execution Petition as not maintainable and the same was dismissed. At that juncture, the petitioners filed another applications in E.A.Nos.498 and 499 of 2018 respectively under Order 21 Rule 26 of CPC r/w Section 94(e) of CPC to stay the operation of the orders dated 11.01.2018 passed in E.P.Nos.2381 and 2383 of 2015 respectively. The Court below dismissed the above said applications, as against which the present Civil Revision Petitions.

4. A perusal of the records shows that on 11.01.2018 itself the attachment orders were passed in the Execution Petitions. Thereafter, the petitioners filed application under Section 47 of CPC in E.A.No.4467 of 2017 and the same was also dismissed. So far the petitioner did not prefer any appeal as against the said fair and decreetal order passed in E.A.No.4467 of 2017. Therefore, there is nothing to be stayed in the Execution Petition and as such the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the orders passed by the Court below.

5. Accordingly, these Civil Revision Petitions are dismissed. Consequently, the connected miscellaneous petitions are dismissed. No order as to costs.

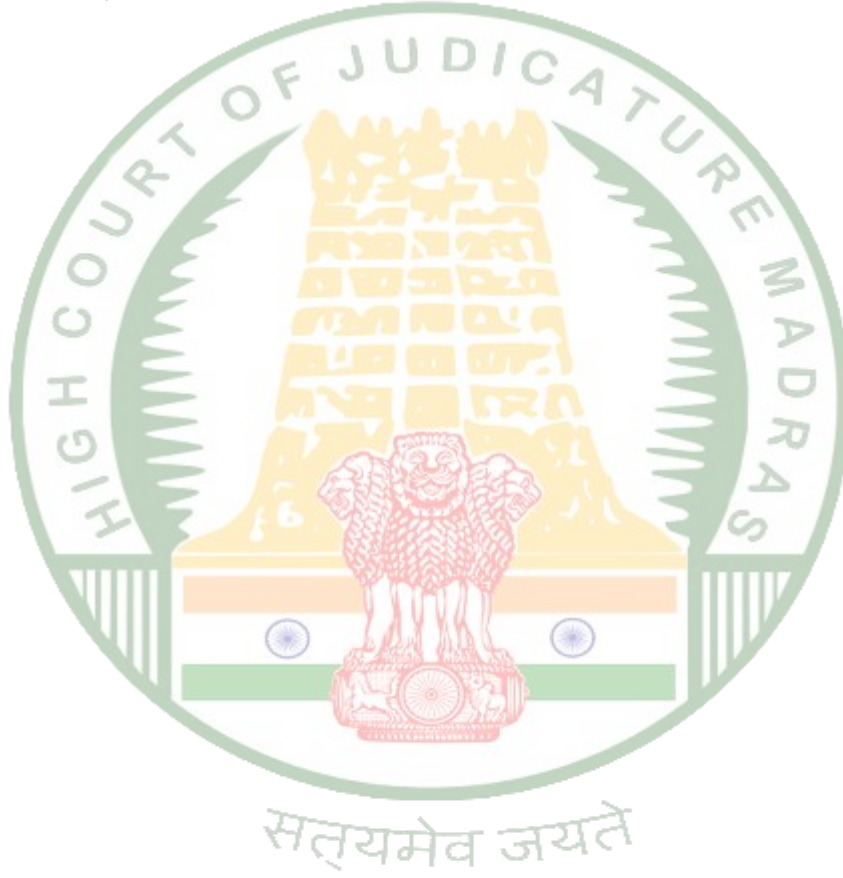
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07.07.2021

To

The 9th Assistant Judge,
City Civil Court,
Chennai.



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G.K.ILANTHIRAIYAN. J,

rna



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