



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2021

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P(MD) No.1113 of 2021

- 1.T.R. Subburam
- 2.K. Rajendran
- 3.Maheshwari
- 4.S.Arumugam

...Petitioners/Petitioners/Defendants

Vs.

1. The Authorized officer,
M/s.Shriram City Union Finance Limited,
No.13, Angappa Naicken Street,
Chennai - 600 001.
2. The Branch Manager,
M/s.Shriram City Union Finance Limited,
Recovery Office at
No.73, SSR Tower 1st Floor,
Syndicate Bank Upsair,
RS Road, Nagal Nagar,
Dindigul - 624 003.

...Respondents/Respondents/Plaintiff

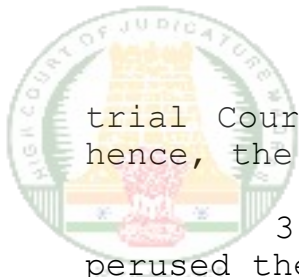
PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying this Court to direct the learned Additional District Judge, Dindigul, to number the unnumbered E.A. D.F.No.5069 of 2021 and returned on 27.07.2021.

For Petitioners : Mr.K.Arunraj

O R D E R

This Civil Revision Petition has been filed seeking a direction to the Additional District Judge, Dindigul to number the unnumbered E.A. D.F.No.5069 of 2021, which was returned on 27.7.2021.

2.The learned counsel for the petitioners would submit that the the respondents have obtained an Arbitration award in ACP (SCUF) No.396 of 2015, had also filed a Execution Petition in E.P.No.21 of 2019, on the file of the Additional District Court, Dindigul. The petitioners making certain objections, have also filed E.A. D.F.No.5069 of 2021 before the executing Court, whereas, the



trial Court had returned the same, without stating any reason and hence, the present Civil Revision petition has been filed.

3. Heard the learned counsel for the petitioners and perused the materials available on records.

4. It is seen that the Executing Court had returned the unnumbered E.A. D.F.No.5069 of 2021 application stating the reason as follows :

"Returned : 27.07.2021

1.E.P. filed based on Arbitration Award. So, how is the petition is maintainable ?

5.The petitioners, without answering the query raised by the concerned court, has rushed to this Court by filing this Civil Revision Petition. The petitioners have to convince the concerned Court, how the petition is maintainable, with regard to the question that has been raised by the concerned Court, whereas, the Petitioners rushed to the Court by filing the present Civil Revision Petition.

6.Considering the facts and circumstances, I do not find any infirmity in the order passed in the trial Court and hence, this Civil Revision Petition is liable to be dismissed.

7.Accordingly, this Civil Revision Petition is dismissed. However, liberty is granted to the Petitioners to represent the application before the concerned Court by answering the query raised by the concerned Court. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Additional District Judge,
Dindigul.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Section Officer,,
ER (Section),
Madurai Bench of Madras High Court,
Madurai.

3.The Section Officer,,
VR (Section),
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

C.R.P (NPD) (MD) No.1113 of 2021
17.08.2021

GC (27.08.2021) /3P/5C