



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (NPD) No.2395 of 2022
and C.M.P.No.12345 of 2022

A.Ruban

...

Petitioner

versus

1.M/s.Sri Ram Chits Tamil Nadu (P) Ltd.,
Rep. by its authorised signatory Jayasundari,
No.1, Annapillai Street,
George Town, Chennai - 600 001.

2.K.Santhakumar
3.M.S.Srisailavasan
4.Paul Mohoharan

...

Respondents

PRAYER: Civil Revision Petition has been filed under Section 115 of the Code of Civil Procedure, to set aside the order dated 11.03.2022 passed in E.P.No.2126 of 2017 in A.R.C.No.1170 of 2013 on the file of the learned XXVIII Assistant Judge, City Civil Court, Chennai.

For Petitioner

: Mr.M.P.Saravanan



ORDER

This Civil Revision Petition has been preferred challenging the order of the learned XXVIII Assistant Judge, City Civil Court, Chennai, dated 11.03.2022 made in E.P.No.2126 of 2017 in A.R.C.No.1170 of 2013.

2. The revision petitioner is the third judgment debtor against whom an award has been passed in A.R.C.No.1170 of 2013; subsequently the execution proceedings have been initiated by the decree holder in E.P.No.2126 of 2017 to execute the decree; so the award passed to the effect that the judgment debtors are jointly and severally liable to pay a sum of Rs.2,44,211/- together with interest at the rate of 24% per annum from the date of filing the arbitration proceedings till its realisation and cost of Rs.7,825/-. Since the award amount was not paid the execution proceedings have been initiated and in which the salary of the third judgment debtor has been attached. Aggrieved over that, the third judgment debtor has filed the present Civil Revision Petition.

3. The learned counsel for the revision petitioners submitted that the second judgment debtor namely M.Kalaiselvan is ready to settle the



award amount and hence the attachment of salary ordered as against this revision petitioner may be raised.

4. It is seen from the award that all the judgment debtors are jointly or severally liable to pay the award amount. Even if the second respondent has come forward to undertake to pay the award amount it is up to the judgment debtors to make their submissions before the Executing Court and get any alteration in the order.

5. It is further submitted that the judgment debtors are ready to settle the award amount if the matter is referred to mediation. So long as there is no stay pending on the operation of the award nothing will prevent the Executing Court to pass any orders to realise the decree amount. If at all the parties are interested to settle their dispute outside the Court, it is up to them to work out such possibilities and report the Executing Court and get appropriate orders. Hence, I find no factual and legal infirmity in the order passed by the learned trial Judge.



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6. Accordingly, this Civil Revision Petition is dismissed and the order dated 11.03.2022 passed by the learned XXVIII Assistant Judge, City Civil Court, Chennai in E.P.No.2126 of 2017 in A.R.C.No.1170 of 2013 is hereby confirmed. Consequently connected Miscellaneous Petition is closed. No costs.

01.08.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri

To

The XXVIII Assistant Judge, City Civil Court, Chennai.



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R.N.MANJULA, J.

sri

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