



C.R.P. No. 2689 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE **V.BHAVANI SUBBAROYAN**

C.R.P. No. 2689 of 2023

M/s Cholamandalam Investment Company Ltd.
represented by its Authorised Officer,
Mr. Aristotle S
No.2, Dare House,
N.S.C. Bose Road,
Parrys, Chennai - 600 001

...Petitioner

Vs.

1. Mr. C. Madheeswaran

2. Mr.V. Chinnakannu

...Respondents.

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the Principal District Judge, Krishnagiri to number the execution petition filed in REP SR. No.1020 of 2023 and proceed further and pass orders.



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For Petitioner : Mr.V. Balasubramani

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ORDER

This petition is filed to to restore the adjudication / order dated 01.02.2023 in REP SR. No.1020 of 2023.

2. The case of the petitioner is that the respondents mortgaged their property and availed loan from the petitioner and also an agreement was also executed which was registered under Doc.No.1701 of 2019 at the office of the SRO Joint II, Krishnagiri on 14.05.2019. The grievance of the petitioner is that the respondents undertook to re-pay the loan amount as per the schedule of the loan agreement without any default and delay and thereafter, they committed default in payment. Hence, the petitioner called upon the respondents to pay the entire loan amount, but the respondents did not turn up, as a result of which the petitioner filed Arbitration O.P.254 of 2021 on the file of Principal District Judge, Krishnagiri. The respondents did not appeared for the Arbitration proceedings, hence they were set as



exparte and an award was passed on 08.07.2022 in favour of the petitioner whereby the respondents were directed to pay a sum of Rs.14,89,321/- together with interest at 3% per month from 10.12.2021 till the date of this award and further interest of 18% per annum from the date of this award till the date of payment and a sum of Rs.10,000/- towards cost of Arbitral proceedings and also further directed the petitioner to pay any other amount received during the pendency of the Arbitration proceedings. However, the respondents does not respond to the said award. Hence the petitioner filed REP SR. No.1020 of 2023 to execute the award and the Registry of the Court below returned the same and directed the petitioner to file original Arbitration award passed in OP No.254 of 2021, original gift deed dated 19.03.2019 and original Memorandum of deposit of title deeds dated 14.05.2019, which has given rise to this petition.

3. The learned counsel for the petitioner submitted that he has produced all the documents which are required to proceed with the case, but the Registry without verifying the documents properly have returned the E.P. Hence prays to allow this petition.



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4. In view of the above, the Principal District Judge, Krishnagiri is directed to number the execution petition filed in REP SR. No.1020 of 2023, if there is no legal impediment.

5. With the above directions, this Civil Revision petition is disposed of. No order as to costs.

07.08.2023

smn

Index : Yes/No

Internet: Yes/No



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V.BHAVANI SUBBAROYAN,J.
Smn

To.

1. The Principal District Judge, Krishnagiri

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