



WEB COPY

C.R.P.No.243 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.243 of 2023

and

C.M.P.No.2018 of 2023

1.D.N.Janakinathan

2.J.Manivannan

... Petitioners

Vs.

1.M/s.Shriram Chits Tamil Nadu (P) Ltd.,
Rep. by its Foreman / Law Officer,
Mr.M.Sivaraja,
Branch : Anna Salai,
No.4/289, 1st Floor, Pycrofts Road,
Thiruvallikeni,
Chennai – 600 005.

2.A.Srinivasan

3.V.Kumar

... Respondents

Prayer: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the order and decreetal order of the Learned XXVI Assistant City Civil Court at Chennai, dated 18.11.2022 in E.P.No.2745 of 2019 in A.R.C.No.26 of 2013 with cost.



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For Petitioners

: Mr.D.Dhayalan

ORDER

The order and decreetal order dated 18.11.2022 passed in E.P.No.2745 of 2019 in A.R.C.No.26 of 2013 is under challenge in the present civil revision petition.

2. The revision petitioners are the judgment debtor and they were members / subscribers of M/s.Shriram Chits Tamil Nadu Private Limited / 1st respondent. The 1st respondent / chit fund company initiated Arbitrary proceedings in A.R.C.No.26 of 2013, since the revision petitioners were defaulters in payment of chit subscriptions. Arbitral award was passed by the Arbitrator and the petitioners remained exparte. Based on the award the 1st respondent filed E.P.No.2743 of 2019 for execution of decree, the E.P was allowed and an order of attachment was issued. Challenging the said order passed in E.P. proceedings the petitioners have chosen to file the present civil revision petition.



3. The learned counsel for the petitioners made a submission that the petitioners had already paid over and above the chit amount received by them and therefore, the 1st respondent had unreasonably charged the chit amount and thus, the Execution Proceedings are to be set aside.

4. Grounds raised in the Arbitrary proceedings are grounds for an appeal, which cannot be considered as ground for dealing with the execution proceedings. Scope of execution proceedings cannot be expanded for the purpose of adjudication of merits and issues involved in the original case.

5. In the present case, Arbitrary proceedings were conducted and an award was passed against the revision petitioners. The revision petitioners have not chosen to prefer an appeal against the arbitrary award and therefore, the grounds raised on merits deserves no further consideration from the hands of this Court. Therefore, the petitioners have not made out any grounds for the purpose of interfering with the order passed in the Execution proceedings.



6. Accordingly, the order and decreetal order dated 18.11.2022 passed in E.P.No.2745 of 2019 in A.R.C.No.26 of 2013 stands confirmed and consequently, the Civil Revision Petition is dismissed. No costs. Connected Miscellaneous Petition is closed.

06.02.2023
(2/2)

Jeni

Index : Yes
Speaking order
Neutral Citation : Yes

To

The Judge,
XXVI Assistant City Civil Court,
Chennai.



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S.M.SUBRAMANIAM, J.

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