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C.R.P.No.241 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.241 of 2023

and

C.M.P.No.2011 of 2023

V.Kumar

... Petitioner

Vs.

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

2.D.N.Janakinathan

3.J.Manivannan

4.A.Srinivasan

... Respondents

Prayer: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the order and decretal order of the Learned XXVI Assistant City Civil Court at Chennai, dated 18.11.2022 in E.P.No.2743 of 2019 in A.R.C.No.26 of 2013 with cost.



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For Petitioner

: Mr.D.Dhayalan

ORDER

The order and decreetal order dated 18.11.2022 passed in E.P.No.2743 of 2019 in A.R.C.No.26 of 2013 is under challenge in the present civil revision petition.

2. The revision petitioner is the judgment debtor and he was a member / subscriber 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 petitioner was a defaulter in payment of chit subscriptions. Arbitral award was passed by the Arbitrator and the petitioner 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 petitioner has chosen to file the present civil revision petition.



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3. The learned counsel for the petitioner made a submission that the petitioner had already paid over and above the chit amount received by him 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 petitioner. The revision petitioner has 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 petitioner has not made out any grounds for the purpose of interfering with the order passed in the Execution proceedings.



6. Accordingly, the order and decretal order dated 18.11.2022 passed in E.P.No.2743 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.

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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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