



C.R.P.(MD)No.2457 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17.07.2023

CORAM:

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

C.R.P.(MD)No.2457 of 2017

and

C.M.P.(MD)No.11637 of 2017

Gurunathan ... Revision Petitioner/3rd respondent/
Judgment Debtor / 4th Respondent
Vs.

1.M/s.Sri Ram City Union Finance Company Ltd.,
Coimbatore Region, Karur Branch,
189, 190 Second floor,
Jawahar Bazaar, KPM Textiles upstairs,
Karur District.

Through its representative Branch Manager,
K.Thangaraj ... 1st Respondent/ Petitioner /
Decree holder/ Petitioner

2.N.Karthikeyani

3.A.Mahadevan ... Respondents 2&3/Respondents 2&3/
Judgment debtors / Respondents 2 & 3

4.The Medical Officer,
Government Primary Health Centre,
Sengal Post, Karur District.



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5.The Assistant Engineer,
Tamilnadu Electricity Board,
O&M Rural, Manaparai,
Trichy District.

6.The Block Medical Officer,
Government Primary Health Centre,
Kannivada, Dindigul District. ... Respondents 4 to 6/ Garnishees

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order, dated 16.09.2016, in E.P.No.60 of 2014, in Arbitration Case No.71 of 2011 on the file of the Principal Sub Court, Karur and to set aside the same.

For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.J.Bharathan for R1
: Mr.Senthil Ayyanar for R4, 5 &6
: No appearance for R2 & R3

ORDER

The instant Civil Revision Petition has been filed, against the order, dated 16.09.2016, in E.P.No.60 of 2014, in Arbitration Case No.71 of 2011 on the file of the Principal Sub Court, Karur and to set aside the same.



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2. The revision petitioner herein is the wife and the respondent herein is the husband.

3. Short facts which give rise to the instant Revision Petition, are that one Mr.Gurunathan, S/o. Thangavelu was the respondent – co-borrower in Arbitration Proceedings SCUF AC.No.71/2011. Wherein, the sole Arbitrator has passed an award on 23.09.2011, directing the respondents therein, including one Mr.Gurunathan, S/o. Thangavelu, to pay a sum of Rs.3,42,372/- (Rupees Three Lakhs Forty Two Thousand Three Hundred and Seventy Two only) along with interest, costs and legal expenses.

3.2. Based upon the said award, the first respondent herein, has filed an execution Petition seeking for garnishee's order, attaching the salaries of the respondents 2 to 4/ co-borrowers. Wherein, the revision petitioner herein has filed a counter statement before the executing Court, stating that he is not the third respondent, however, notice has been served upon him. It is also the submission of the revision petitioner herein, that his



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father's name is Thembadi and the alleged third respondent's father's name in the petition is Thangavelu and the address of the revision petitioner is different, from that of the address mentioned in the revision petitioner. Therefore, it is his submission that he is not at all the third respondent in the execution petition. However, since he has been working under the Health Department, because of the Garnishee order, the superiors are attaching his salary, so as to satisfy the award.

4. Per contra, the learned counsel for the contesting respondent – first respondent would submit that they filed the execution petition only against one Mr.Gurunathan, S/o. Thangavelu and what they want, is attachment against one Mr.Gurunathan S/o. Thangavelu Wherein, his address is mentioned as O.No.1/159, N.No.1/88, Karunanithi Nagar, 6th Street, Dindigul -624 001.

5. Therefore, this Court is of the firm view that the very objection raised by the petitioner is unwarranted. However, considering the peculiar circumstances of the case that he has been directed by the superior to pay the amount, liberty may be given to the revision petitioner herein to file an



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appropriate application before the Executing Court, so as to prove that he is not the third respondent as found in the petition.

6. In the result, this Civil Revision Petition stands disposed of, with the above observation. There shall be no order as to cost. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Ls

17.07.2023

To

1.The Principal Sub Court,
Karur.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.KUMARAPPAN.,J.

Ls

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