



C.R.P. (NPD)No.256 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2024

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.(PD)No.256 of 2022
and CMP.No.1251 of 2022

C.B.Sathyanarayanan

... Petitioner

Vs.

1.Shriram Chits TamilNadu Private Ltd.,
No.149, Greams Road, Anna Salai
Chennai 600 006.
rep.by its Authorised Representative
Mrs.A.Jayasundari

2.Ramachandran

3.Sakthi Vadivel

4.V.Veeramani

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India praying to set aside the fair and decreetal order dated 17.03.2020 made in E.P.No.2218 of 2017 in A.R.C.No.452 of 2013 on the file of the X Asst.Judge, City Civil Court, Chennai, now transferred to XXVIII Asst.Judge, City Civil Court, Chennai.

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For Petitioners	: Mr.A.Arun Kumar
For RR1	: Mr.T.Jayakumar
For RR2 to 4	: No appearance

ORDER

This Civil Revision Petition has been filed by the 3rd Garnishees/3rd Judgment debtor, praying to set aside the fair and decretal order dated 17.03.2020 made in E.P.No.2218 of 2017, on the file of the XXVIII Asst.Judge, City Civil Court, Chennai.

2. Originally, the 1st respondent-Decree Holder [Shriram Chits Tamil nadu Private Ltd] had initiated an arbitration proceedings in ARC.No.452 of 2013 against the petitioner and respondents 2 to 4 in respect of default of loan installments.

3. A.R.C. proceedings was decreed on 17.06.2016. Based on the said decree, the 1st respondent-Decree holder filed E.P.No.2218 of 201, for an amount of Rs.65,807/- together with interest and cost.

4. In the said E.P., judgment debtors filed counter and the judgment



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debtors stated that they are ready to pay the execution petition amount by way of installments.

5. The learned Judge, Executing Court, found that the decree holder is entitled to execute the award against the judgment debtors 2 and 3 as they were found by the arbitrator to be jointly and severally liable to repay the award amount and the decree holder is entitled to execute the award by attachment of salary of judgment debtors 2 and 3.

6. The learned Judge, thus ordered for attachment of salary of judgment debtors 2 and 3. The 3rd Garnishee in the E.P., has now filed this CRP stating that he is ready to pay execution amount by way of installments.

7. A perusal of the order passed by this court, would go to show that on 03.02.2022, interim stay of operation of the order dated 17.03.2020 is passed subject to the condition that the revision petitioner pays Rs.20,000/- to the decree holder within 4 weeks.



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8. The revision petitioner-3rd Garnishee filed memo before this court stating that he had paid a sum of Rs.20,000/- by D.D., dated 11.03.2022 to the Decree holder. Further, a sum of Rs.1,01,650/-, has been totally debited from the month of October 2022. He further submits that the Execution Petition Amount was for a sum of Rs.1,14,294.00 and the petitioner have to pay balance remaining sum of Rs.12,644/- to the decree holder.

9. The learned counsel for the 1st respondent-decree holder filed memo of calculation stating that the revision petitioner-3rd Garnishee is liable to pay the balance amount of Rs.12,644/- to the decree holder.

10. The learned counsel for the 1st respondent/decree holder would also submit that a sum of Rs.81,650/- is available in court deposit and the same may be permitted to be withdrawn.

11. Taking note of the submissions and the memo filed by the revision petitioner/3rd Garnishee and the 1st respondent/decree holder, the



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Civil Revision Petition is closed with the following directions:

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1. Revision Petitioner-3rd Garnishee is directed to pay Rs.12,644/- to the 1st respondent-decree holder within six weeks from the date of receipt of a copy of this order.

2. The 1st respondent is permitted to withdraw the Court deposit sum by filing necessary application.

No costs. Consequently connected miscellaneous petition is closed.

28.03.2024

sk/nvsri

To

1.The XXVIII Asst.Judge, City Civil Court, Chennai.



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