



CRP No.895 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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1.S.Ramesh
2.R.Roopa
3.Manimekalai
4.K.J.Vijay Anand

... Petitioners

Vs.

Shriram Chits Tamil Nadu (P) Ltd.,
Now business at No.141, Kantha Kottam,
3rd Floor, Sathy Road,
Opp, to Bus Stand, Erode-3,
Represented by its Foreman.

... Respondent

PRAYER: Civil Revision Petition filed under Section 115 of CPC to call for the records in EP No.4 of 2020 in Arb.Case No.53 of 2019, on the file of the Principal District Judge, Erode, and set aside the final order dated 02.11.2023, passed in the said Execution Proceedings.

For Petitioners : Mr.E.J.Ayyappan

ORDER



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The civil revision petition is filed to call for the records in EP No.4 of 2020 in Arb.Case No.53 of 2019, on the file of the Principal District Judge, Erode, and set aside the final order dated 02.11.2023, passed in the said Execution Proceedings.

2. When the matter was taken up, learned counsel for the petitioners submit that the petitioners are admittedly borrowers. The only contention is that they have not executed any memorandum of understanding or memorandum of deposit of title deeds. In these circumstances, order of attachment of the property is unsustainable and hence seeking to set aside the order passed in EP No.4 of 2020 in Arb Case No.53 of 2019.

3. Heard the learned counsel for the petitioners and perused the materials available on record.

4. On a perusal of records, it is noticed that the petitioners are the



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borrowers and in the Arbitration case in Arb Case No.53 of 2019, an award has been passed on 30.10.2019 for amount of Rs.25,02,780/-. For executing that award, EP has been filed by the respondent before the learned Principal District Judge, Erode. In that EP, by order dated 02.11.2023, the executing court, ordered for attachment of the petition mentioned property. I find no illegality in the order passed by the executing court. The petitioners being borrowers have to satisfy the award amount unless the award is challenged by the petitioners. Therefore, I find no merit in the Revision. Hence, the Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, CMP No.4456 of 2024 is closed.

13.03.2024

Index: Yes/No
Internet: Yes/No
mrn

To

The Principal District Judge, Erode,

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V.SIVAGNANAM, J.

(mrn)

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