



C.R.P.No.2549 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

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Shriram Finance Limited
(Formerly Known as Shriram Transport
Finance Co., Ltd) Rep.by its Authorised
Signatory A.Sathish, No.55/1A, Gundur
Church Road, Chengalpattu - 603 001.

... Petitioner

-Vs-

1.K.Sujatha
2.D.Saravanan

... Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to issue a direction to the learned Principal District and Sessions Court, Chengalpattu to take on the file the Application to raise attachment filed online on ARBOA-ATN20230002856C202400023 if it is otherwise in order and dispose of the same in accordance with law.

For Petitioner : Mr.D.Arunraj

ORDER

The Civil Revision Petition is at the instance of the Financier. The Financier had initiated arbitration proceedings as against the respondents. Pending the arbitration proceedings, the learned Arbitrator passed an order of attachment in I.A.No.4 of 2022, ordering attachment of the suit schedule mentioned property. The



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order was effect through the office of the learned Principal District and Sessions Judge at Chengalpattu. Subsequently, the debtors, who are the respondents herein have come forward and paid a sum of Rs.3,10,000/- in full quit of the claim of the civil revision petitioner. Since the payment had been made by the debtors to the satisfaction of the creditor, a memo was filed before the Sole Arbitrator for raising the attachment. The Arbitrator had also raised the order of attachment and passed the consequential order. The said order was also communicated to the Nazir section attached to the Principal District Court at Chengalpattu. However, the same has not been given effect to. Hence the revision.

2. Narration of the aforesaid facts would go to show that the creditor himself wants the attachment to be raised and unfortunately the matter is still kept pending. The Central Nazir had attached the property on 03.11.2022 on the basis of the order passed by the Arbitrator. Now the Arbitrator has passed an order raising the attachment and therefore, it is the duty of the Central Nazir to execute the order passed by the said authority.

3. Consequently, there shall be a direction to the learned Principal District and Sessions Judge, Chengalpattu to pass appropriate orders on the application filed to raise the attachment by the creditor / civil revision petitioner on 21.02.2024 and ensure that the order of attachment passed by the arbitrator is given effect to.



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4. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Neutral Citation : Yes/No

KST

To

The Principal District and Sessions Court,
Chengalpattu.



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V. LAKSHMINARAYANAN, J.

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