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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.20646 & 20649 of 2023

Civil Engineering Enterprises
Proprietor M.A.Salim
No.44, 22A, K.K.Salai,
Kaverirnagan Nagar,
Saligramam, Chennai – 600 093

... Petitioner
in 2WPs

Vs.

- 1.The Registrar,
Central Chennai Chit Fund Cases Court,
Integrated Office Complex for
Commercial Tax and Registration Dept.
Ground Floor, Veterinary Hospital Campus,
Anna Salai, Nandaman, Chennai – 600 035.
- 2.The Arbitrator,
Central Chennai Chit Fund Cases Court,
Integrated Office Complex for
Commercial Tax and Registration Dept.
Ground Floor, Veterinary Hospital Campus,
Anna Salai, Nandaman, Chennai – 600 035.
- 3.Shree Gokulam Chit and Finance Company
(Private) Limited, represented by its Manager,
No.49, Arcot Road, Kodambakkam,
Chennai – 600 024.



4.Ms.Pinky Shaji

5.Ms.Simmi Salim

6.Mrs.Abusa Salim

... Respondents
in 2WPs

Prayer in WP.No.20646/2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the Order of attachment before judgment dated 27.09.2022 in ARC.No.504 of 2021 passed by the 1st respondent herein, to quash the same and consequently direct the 2nd respondent to remove the attachment entry made in the Encumbrance certificate in respect of the property bearing Flat No.S (Second Floor), Plot Nos.43, 44 and 45/B, Sastri Street, Nehru Nagar, Virugambakkam, Chennai-93, measuring super built up area of 481 Sq.ft. including carpet area of 348.36 Sq.ft. together with undivided share of land of 101/2400 Sq.ft. out of 2400 Sq.ft. comprised in Survey No.81/1, Block No.15, T.S.No.103 of Saligramam Village, Egmore-Nungambakkam Taluk, Chennai District covered under Document No.4884 of 2011, on the file of Sub Registrar, Virugambakkam.

Prayer in WP.No.20649/2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the Order of attachment before judgment dated 27.09.2022 in ARC.No.504 of 2021 passed by the 1st respondent herein, to quash the same and consequently direct the 2nd respondent to remove the attachment entry made in the Encumbrance certificate in respect of the



property bearing Flat No.S (Second Floor), Plot Nos.3, 4-A and B, Noombal Mathura, Puliyaibedu Village, Thiruverkadu Township, Ambattur Taluk, Thiruvallur District measuring an extent of super built up area of 589 Sq.ft. including carpet area of 426.76 Sq.ft. together with undivided share of land of 128/2542.48 Sq.ft. out of 2542.48 Sq.ft. comprised in Survey No.21/9 (Part), Old Survey No.21/2(Part) situated at Noombal Mathura, Puliyaibedu Village, Ambathur Taluk, Thiruvallur District covered under Document No.4483 of 2012, on the file of Sub Registrar, Kundrathur.

For Petitioner	: Mr.Perumbulavil Radhakrishnan (in 2WPs)
For R1 & R2	: Mr.L.S.M.Hasan Fizal Additional Government Pleader (in 2WPs)
For R3	: Mr.L.Rajasekar (in 2WPs)
For R4 to R6	: No Appearance (in 2WPs)

COMMON ORDER

The order of attachment before judgment passed by the Arbitrator under Section 68(4) of the Chit Funds Act, 1982 is under challenge in the present writ petition.



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2. An order of attachment before judgment is an interim order, cannot be construed as final judgment. Therefore, the petitioner is well in its liberty to file an Interlocutory Application to cancel the attachment or contest the main case, which is admittedly pending.

3. When the remedy is contemplated under the Chit Funds Act, 1982 to recall the attachment order or the contest the case for a final judgment. The present writ petitions filed have become unnecessary. The petitioner is at liberty to file an application to raise objections or contest the case, as the case may be.

4. However, the Arbitrator shall proceed with the main petition and dispose of the same as expeditiously as possible. The interim order of attachment before the judgment need not be interfered with by this Court. It is for the Arbitrator to adjudicate all the issues on merits and pass appropriate orders.



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5. With these observations, these Writ Petitions stand dismissed. No costs.

12.04.2024

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Index : Yes
Speaking order
Neutral Citation : Yes

To

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2.The Arbitrator,
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S.M.SUBRAMANIAM, J.

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