



C.R.P.[NPD].No.4437 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 06.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

C.R.P.[NPD].No.4437 of 2024

&

CMP.No.24714 of 2024

J.Malarvizhi

. . . Petitioner

Versus

1. M/s.Jayapriya Chit Funds Private Limited,
No.37, Natesan Street, Shiva Vishnu Complex,
2nd Floor, T.Nagar, Chennai – 17.

2. Naveen Kumar
3. D.Sudha
4. M.Patchayappan
5. K.Senthilkumar
6. D.Viswanathan

. . . Respondents

PRAYER : Petition filed under section 115 of Code of Civil Procedure to set aside the Order dated 20.08.2024 made in E.P.No.5322 of 2022 on the file of the XXVIII Assistant City Civil Court, Chennai.



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For petitioner : Mr.CH.Mohith Sai

For respondents : Mr.V.Rajesh Babu

ORDER

Challenge has been made against the Order passed by the Execution Court attaching the salary of the revision petitioner, in the present Civil Revision Petition

2. It is the case of the petitioner that he only stood as a guarantor and whereas, his salary has been attached and the award has been passed by the Chit Registrar in ARC No.556 of 2021 in a dispute arose in a chit transaction. The said award has been put into execution in E.P.No.5322 of 2021 on the file of the XXVII Assistant City Civil Court, Chennai and attachment of the salary of the petitioner has been ordered. As against which the present revision petition has been filed.

3. At the outset, this Court is of the view that when the execution petition has been Ordered to realize the award amount and the award is not set aside, the



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Execution Court cannot go beyond the award. Hence, I do not find any merits in the present revision petition. It is for the petitioner to deposit any amount before the Execution Court and on such deposit, the Execution Court may consider and pass Order modifying the Order taking note of the deposit made by the petitioner.

4. With the above observations, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet: Yes
Speaking/non speaking order

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N. SATHISH KUMAR, J.

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