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CRP.No.4769 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.No.4769 of 2024

P.K.Senthilkumar

.. Petitioner

Versus

Sri Gokulam Chit Finance & Company (P) Ltd
Represented by its Authorised Agent and Legal Assistant
M.Jelani Basha
No.49, Arcot Road
Kodambakkam, Chennai – 600 024

.. Respondent

Prayer:- Civil Revision Petition filed under Section 115 of Code of Civil Procedure, 1908, to set aside the decree and order dated 30.09.2024 passed in E.P.No.4061 of 2011 on the file of the learned IX Assistant City Civil Court, Chennai

For Petitioner : Mr.S.Nagarajan

ORDER

Challenge has been made to the order dated 30.09.2024 passed by the Executing Court passing attachment in the EP proceedings.



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2. The award has been passed by the arbitrator under the Chit Funds Act directing the revision petitioner to pay a sum of Rs.1,63,739/-. The said award has been put into execution in E.P.No.4061 of 2021. In the EP, stand has been taken that the award has been challenged before the appellate authority and the same is pending. Therefore, objected for attachment. The Executing Court has passed an order of attachment. Challenging the said order, this revision.

3. Heard the learned counsel for the petitioner and perused the materials placed on record.

4. At the outset, this Court is of the view that the present revision petition is not maintainable for the simple reason that merely because the appeal is pending as against the arbitral tribunal that cannot be a ground to set aside the order of the Executing Court. Unless stay is granted by the appellate authority, mere filing of appeal will not amount to automatic stay. Therefore, it cannot be said that attachment is bad in the eye of law. The petitioner is directed to work out his remedy before the Executing Court.



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5. Such view of the matter, I do not find any merits in this revision
and this revision stands dismissed. No costs.

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Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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N.SATHISH KUMAR, J.,

dhk

To,

1.The IX Assistant Judge
IX Assistant City Civil Court, Chennai

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