



C.R.P.(MD)No.419 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.419 of 2024
and C.M.P.(MD).No.2098 of 2024

K.Gurunathan ... Petitioner/1st Respondent/3rd Respondent
3rd Respondent

Vs.

1.M/s.Shriram City Union Finance Ltd.,
2/255(6), Madurai Rameshwaram Road,
SRK Complex, Paramakudi,
Ramanathapuram District,
By power Agent Mr.Subramanian, Karaikudi.

... Respondent No.1/Petitioner/Petitioner/
Claimant

2.P.Rajendran

3.K.Ravichandran

4.R.Rajiv Gandhi

5.The Additional Assistant Primary Educational Officer,
O/o. The Additional Assistant Primary Educational Officer,
Muthukulathur – 623 704,
Ramanathapuram District.

... Respondents 2 to 4/Respondents/
Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of the



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Constitution of India, to set aside the order, dated 26.10.2023, passed in E.P.No.13 of 2023 in A.C.P.No.2 of 2013 in A.C.P.No.33 of 2013 on the file of the learned Sub Court, Mudhukulathur, Ramanathapuram District.

For Petitioner : Mr.A.Rajaram

ORDER

This revision has been filed challenging the order, dated 26.10.2023, passed in E.P.No.13 of 2023 in A.C.P.No.2 of 2013 in A.C.P.No.33 of 2013 on the file of the learned Sub Court, Mudhukulathur, Ramanathapuram District.

2.An arbitration award was passed in A.C.P.No.33 of 2013 against four persons, directing them to pay a sum of Rs.85,143/- with interest, cost, etc. Against which, no proceedings were taken by any of the parties. To execute the arbitration award, E.P.No.13 of 2023 was taken out by the respondent before the Sub Court, Mudukulathur. Challenging the above said proceedings, this revision is preferred by the petitioner stating that the second respondent namely Rajendran has paid all amount, but after that he was missing. So a complaint was given before the Inspector of Police, Paramakudi. A case was registered in Crime No.501



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of 2012. Later the revision petitioner filed a complaint against the second respondent and his wife, that was also registered in C.S.R.No.349 of 2022. No action has been taken so far. In the meantime, now the attachment has also been effected.

3.Later he filed Arbitration O.P.No.3105 of 2023 before the Principal District Judge, Madurai and that was returned. It was represented after direction issued by this Court in C.R.P.(MD).No.2999 of 2023. So the order of attachment passed by the Executing Court is not proper.

4.Heard the learned counsel for the petitioner.

5.Unless the arbitration award is set aside, the Execution Proceedings initiated against this revision petitioner cannot be stalled or stayed. Whatever grievance that the petitioner got must be worked out by him only in the pending Arbitration O.P.No.3105 of 2023. Unless there is a stay order in that petition, this Court cannot pass any interim order to stay the execution proceedings. I find absolutely no reason to entertain



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this petition. The petitioner has to workout his remedy in the manner known to law.

6.Accordingly, this civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

1.The Sub Judge, Mudhukulathur, Ramanathapuram District.

2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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