



C.R.P.(MD)No.2839 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.2839 of 2024

Sree Visalam Chit Fund Limited,
Rep. by its foreman,
No.9, Sabapathy Avenue,
Srinivasam Pillai Road,
Thanjavur Taluk,
Thanjavur.

... Petitioner/Petitioner/Decree Holder

Vs.

1.K.Dineshbabu
2.G.Sathyamoorthy
3.R.Natarajan
4.R.Gegathambal

... Respondents/Respondents/
Judgment Debtors

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 13.09.2024, passed by the Additional District Munsif Court, Thanjavur, in E.P.No.44 of 2019 in Arbitration Case No.38 of 2018.

For Petitioner : Mr.K.Sudalaiyandi



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ORDER

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This civil revision petition is filed to set aside the fair and decreetal order dated 13.09.2024, passed by the Additional District Munsif Court, Thanjavur, in E.P.No.44 of 2019 in Arbitration Case No. 38 of 2018.

2.The facts in brief:

The revision petitioner herein initiated action before the Sole Arbitrator in Arbitration No.38 of 2018 against the respondent herein for realizing the amount involved in chit transaction. The award was passed directing the respondent herein to pay a total amount of Rs.39,339/- including the interest and cost or in failure, to pay the principal amount of Rs.33,306/- along with 24% of interest from 01.11.2018 till the date of realization.

3.To realize the award amount the revision petitioner filed E.P.No. 44 of 2019 before the I Additional District Munsif Court, Thanjavur. The execution Court by the order dated 13.09.2024, found that out of the E.P claim amount Rs.40,970/-, the Judgment Debtor has paid Rs.41,000/-.



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Since the entire amount is paid, E.P was terminated by recording the full satisfaction. Against which, this revision is preferred.

4.Only a simple point was raised by the counsel on record for the revision petitioner that pending the E.P proceedings, interest was payable by the Judgment Debtor. In the E.P the total amount claim is Rs.38,076/- with interest up to 20.12.2018. Since the subsequent interest was not paid by the respondent herein, termination of the E.P proceedings itself is not proper. Even though this argument is acceptable one, the revision petitioner can file fresh E.P for realizing the subsequent interest amount. There can be no bar.

5.So with the above said liberty, this revision petition has been disposed of. No costs.

14.11.2024

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



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To

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- 1.The Additional District Munsif, Thanjavur
- 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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