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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED : 18.10.2024****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****C.R.P.(MD).No.249 of 2024 and**
C.M.P.(MD)No.1143 of 2024

S.Jeyaraman

... Petitioner /Respondent /
Respondent

Vs.

1. Shriram Transport Finance Company Ltd.,
Rep. by its present power of attorney,
S.Surendran,
S/o.Selvan,
APS Complex,
Madurai Main Road,
Tenkasi District.

... Respondent No.1 / Petitioner /
Claimant

2. P.Mariselvam

... Respondents No.2 /Respondent /
Respondent

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records pertaining to the impugned order in E.P.No.32 of 2022 in ARP No.520 of 2016 dated 14.11.2022 on the file of the Subordinate Judge, Tenkasi, Tenkasi District and set aside the same as illegal.



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C.R.P.(MD)No.249 of 2024

For Petitioner : Mr.I.Pinaygash

For R-1 : Mr.Ananth C.Rajesh

ORDER

Heard the learned counsel appearing for the revision petitioner and the learned counsel appearing for the first respondent.

2. The first respondent extended vehicle loan in favour of the second respondent. The petitioner had signed the relevant papers as guarantor. The borrower committed default. Hence, the matter was referred to arbitration and the arbitral award was passed against the borrower as well as the guarantor. This was in the year 2016 itself. To enforce the arbitral award, E.P.No.32 of 2022 came to be filed. The Court below issued order of arrest against the borrower as well as the guarantor. Challenging the same, this civil revision petition came to be filed.

3. The Court below had conducted means enquiry. The petitioner appears to be having immovable properties. Therefore, for



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non-satisfaction of the award, the Court below was justified in ordering the petitioner's arrest. The impugned order cannot be faulted.

4. The learned counsel appearing for the petitioner pleads that the petitioner had signed the relevant papers out of ignorance and reposing faith in the words of the second respondent. The second respondent is also said to be having properties in his name. The arrest order was issued against the second respondent also.

5. Taking into account the overall facts and circumstances, the impugned order shall be kept in abeyance exactly for a period of four months. In the meanwhile, the impugned order shall be enforced as against the second respondent. The jurisdictional police is directed to extend their fullest assistance in favour of the first respondent. The impugned order shall be given effect against the second respondent within a period of four weeks from the date of receipt of a copy of this order.

6. The petitioner states that he has also furnished the property details of the second respondent before the first respondent. The first



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respondent shall also take steps to bring the properties of the second respondent to sale as expeditiously as possible. If in spite of these efforts the arbitral award could not be satisfied, the impugned order will spring back to life against the petitioner after a period of four months. By granting this breathing time to the petitioner, this civil revision petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.10.2024

Index : yes/No
Internet: Yes/No
PMU

To

The Subordinate Judge,
Tenkasi, Tenkasi District.



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G.R.SWAMINATHAN,J.

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