



CRP.No.864 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**C.R.P.No.864 of 2024**  
**and CMP.No.4279 of 2024**

A.K.Balasubramanian

.. Petitioner

Versus

1.M/s.Sree Gokulam Chit and Finance Co. Ltd  
By its Authorised Person, Mr.P.Kaliappan  
aged about 41 years, son of Mr.Ponnuvel  
Having Office at No.252/38, NM Arcade  
ARRS Theatre, Meyyanur Bye Pass Road  
Salem – 636 004

2.R.Nithya

3.S.Sugavanan

4.G.Subramanian

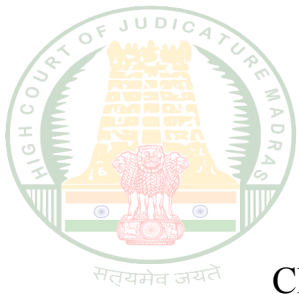
.. Respondents

Prayer:- Civil Revision Petition filed under Section 115 of Code of Civil Procedure, 1908, to set aside the sale auction notice dated 02.11.2023 and received by the petitioner on 20.11.2023 issued in REP.No.154 of 2022 in ARC.No.459 of 2014 on the file of the learned II Additional District Judge, Salem.

For Petitioner : Mr.R.Umashankar  
for M/s.Sri and Sankar Associates

For Respondent : Mr.P.Rakesh Kumar for R1

**ORDER**



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Challenge has been made to the order of attachment passed by the Executing Court in R.E.P.No.154 of 2002, the present revision has been filed.

2. R.E.P.No.154 of 2022 has been filed to enforce the award passed in A.R.C.No.459 of 2014 dated 03.10.2019. The award has been passed under the Chit Funds Act. The respondents filed application before the Chit Fund Registrar for the recovery of the chit amount. The award has been passed for a sum of Rs.32 lakhs. The said award has been passed for recovery of money alone with interest and no-way connected with the enforcement of mortgage. The award is for money decree simplicitor, the same was put into execution, wherein, the decree holder has sought for attachment of the property and to bring the property for sale to realise the decretal amount. Accordingly, the Executing Court has ordered the attachment by the impugned order dated 02.11 .2023. Hence, the present revision.

3. Though the learned counsel for the revision petitioner that submitted that since he has already mortgaged the property to the first respondent by deposit of title deeds. Therefore, the property cannot straight away brought for attachment for a money decree simplicitor.



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4. Heard both sides and perused the materials placed on record.

5. The award referred above is only a money decree award, no mortgage decree whatsoever is passed. Of course, arbitrator has no power to determine the mortgage issue, but the fact remains that in the present case only the money decree is passed and the same is put into execution and to realise the amount, any property of the judgment debtor can be brought for sale after proper attachment. Such view of the matter, the Executing Court has ordered attachment, therefore, the order of the Executing Court does not suffer any infirmity. The only contention of the learned counsel for the revision petitioner is that the property is worth about Rs.1 crore, whereas, the award is only to the tune of Rs.32 lakhs, therefore, the entire property cannot be brought for sale. Such view of the matter, the Executing Court shall ensure that only such proportion thereof as may seem necessary to satisfy the decree alone shall be sold. If the Court is of the opinion that only the portion of the property itself is sufficient to satisfy the entire decree, tht such portion alone be identified and sold. The Executing Court is directed to strictly comply with the procedures contemplated under Order XXI Rule 64 of Code of Civil Procedure while



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selling the property.  
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6. In view of the above, this revision stands dismissed. No costs.  
Consequently, connected miscellaneous petition stands closed.

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Index : Yes/No  
Internet : Yes/No  
dhk

To,

1. The Additional District Judge, Salem

2. The Section Officer  
VR Section, Madras High Court



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