



WEB COPY



C.R.P.No.1064 of 2025 and C.M.P.No.6113 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.R.P.No.1064 of 2025

and

C.M.P.No.6113 of 2025

1. R.Karnan

2. G.Srinivasan

... Petitioners

Versus

M/s.Shriram Chits Tamilnadu (Private) Ltd.,

Rep. by its Senior Law Officer

Adyar Branch, Chennai - 600 020

... Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 04.02.2025 passed by the X Assistant Judge City Civil Court, Chennai in E.A.S.R.No.77527 of 2024 in E.P.No.4776 of 2023 in A.R.C.No.1297 of 2010.

(Amended and System updated vide Court order dated 28.03.2025 made in C.M.P.No.794 of 2025 in C.R.P.No.1064 of 2025)

For Petitioners : Mr.S.Venkateswaran

For Respondent : Mr.Adharsh Subramanian



C.R.P.No.1064 of 2025 and C.M.P.No.6113 of 2025

ORDER

WEB COPY

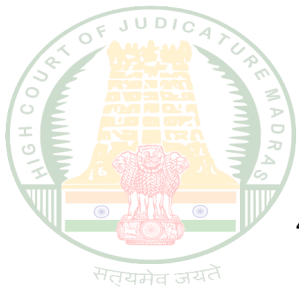
Unsuccessful Judgment Debtors III and IV have preferred the present civil revision petition. Shriram Chits Tamilnadu (Private) Ltd., represented by its Senior Law Officer has initiated an arbitral proceedings in Arc.No.1297 of 2010 and the arbitrator has passed an award dated 30.03.2011 as against the present civil revision petitioners and also against the Principal debtors, namely A.Arunkumar and A.Kalaivani. Thereafter, the decree holder viz., Shriram Chits Tamilnadu (Private) Ltd., has filed an Execution Petition in E.P.No.4776 of 2023 in ARC.No.1297 of 2010 seeking attachment of salary of the revision petitioners. Upon receiving the notice in the aforesaid execution proceedings, the revision petitioners/ Judgment Debtors III and IV filed an application in E.A.S.R.No.77527 of 2024 in E.P.No.4776 of 2023 in A.R.C.No.1297 of 2010.

2. Upon hearing either side, the Court below vide order dated 04.02.2025, rejected the application as not maintainable on the ground that the award was passed on 30.03.2011 and the execution petition came to be filed on 30.03.2023 which is within the period of limitation and the revision petitioners have no *locus standi* to file the application seeking dismissal of



execution petition since the first judgment debtor has not raised such contention before the arbitrator and also held that sureties are equally liable to repay the decree amount and rejected the application in *limine*. Aggrieved over the same, the present civil revision petition has been instituted.

3. The learned counsel appearing for the revision petitioners would submit that the Court below ought not to have entertained the Execution Petition filed by the decree holder after a lapse of 12 years, which is completely barred by limitation. Further, the Court below has passed an erroneous order rejecting the application filed under Section 47 of the Code of Civil Procedure, 1908 and the award passed by the Arbitrator is binding on the parties. The award amount to be paid by the revision petitioners should have been clearly stated in the arbitral award, but in the case on hand, the Arbitrator has stated that for the period from December 2010 to March 2010 a sum of Rs.79,000/- paid by Principal debtor should be deducted in the arbitral award and also not deducted in the Execution Petition. Learned counsel would further submit that the pre-arbitration notice has not been properly served on the revision petitioners.



WEB COPY

4. Per contra, the learned counsel appearing for the respondent/decreed holder submitted that during the arbitral proceedings, notice have been sent to all the respondents but they have evaded to receive the notice. Thereafter, paper publication has also been effected and upon considering the merits of the case alone, the Arbitrator passed the award and the revision petitioners have not chosen to challenge the arbitral award. Learned counsel would further submit that the decree holder has filed the execution petition within the period of limitation. After receiving the notice in the Execution Petition, the revision petitioners cannot file an application for dismissal of entire execution petition and the same is not in consonance with law. The revision petitioners ought to have challenged the arbitral award itself and having failed to challenge the arbitral award and filing of an application to dismiss the entire execution petition is unwarranted and hence, there is no reason for this Court to interfere with the order of the Court below. It is his further submission that the decree holder already filed the Execution Petition in E.P.No.2898 of 2013 in A.R.C.No.1297 of 2010 against the revision petitioners herein for attachment of salary and the revision petitioners have chosen to participate in the proceedings. However, due to the non-appearance of the decree holder, the aforesaid Execution Petition came to be dismissed

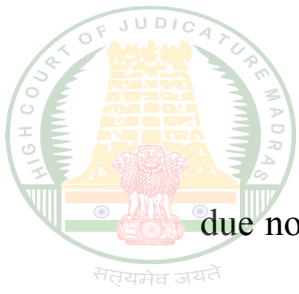


C.R.P.No.1064 of 2025 and C.M.P.No.6113 of 2025

for default on 09.11.2022. The learned counsel appearing for the respondent would submit that the principal debtor, namely A.Arunkumar has filed W.P.No.26506 of 2012 challenging the arbitral award passed in A.R.C.No.1297 of 2010 and in the said writ petition, principal debtor has given an undertaking to pay the entire amount within the period of three months and this Court recording the said undertaking disposed of the writ petition on 25.10.2021.

5. A perusal of the EP proceedings, it is seen that the amount paid by the Principal debtor has been stated in Column No.6. Though the revision petitioners have stated that the amount by the principal debtor has not been properly given credit to, the revision petitioners have not filed any documents to prove the same. Though the revision petitioners have contended that they have not received the notice, a careful perusal of the arbitral proceedings it is seen that notice sent to the third respondent/ first petitioner herein has been returned unserved and paper publication has also been effected in Tamil Daily “Malaisudar” on 11.01.2011. It has also been stated that notice has been served on the second petitioner herein, but he has not turned up to attend the proceedings.

6. In view of the above, the revision petitioners cannot contend that the



C.R.P.No.1064 of 2025 and C.M.P.No.6113 of 2025

due notice has not been served on them. It is also seen from the records that the arbitral award came to be passed on 30.03.2011 and the Execution Petition came to be filed in the year 2023 within the period of 12 years. It is for the revision petitioners to pursue the proceedings in the Execution Petition in the manner known to law and they cannot seek for dismissal of entire execution proceedings which is unknown to law.

7. In view of the above, this Court is not inclined to interfere with the order of the Court below. Accordingly, this Civil Revision Petition is dismissed. The learned X Assistant Judge, City Civil Court, Chennai shall dispose of the Execution Petition as expeditiously as possible. Consequently, the connected Civil Miscellaneous Petition is closed. There shall be no order as to costs.

06.10.2025

Index : Yes/No
Speaking order : Yes/No
Neutral Case Citation : Yes/No
gpa



C.R.P.No.1064 of 2025 and C.M.P.No.6113 of 2025

To

X Assistant Judge, City Civil Court
Chennai



WEB COPY



C.R.P.No.1064 of 2025 and C.M.P.No.6113 of 2025

M. JOTHIRAMAN, J.

gpa

C.R.P.No.1064 of 2025
and
C.M.P.No.6113 of 2025

06.10.2025