



C.R.P.No.1166 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.1166 of 2025
and CMP.No.6963 of 2025

M/s.Dhanalakshmi Srinivsan Chit Funds
Private Limited
Rep by its Foreman
No.28/7, Om Shakti Towers, Railway Station Road
Opposite to Sub Collector Office, Hosur – 635 109

... Petitioner

Vs.

1.V.Kumar
2.V.Govindaraj

... Respondents

Prayer : Civil Revision Petition filed under Section 115 of Code of Civil Procedure, to set aside the order and decretal dated 07.12.2024 made in Memo REP.No.193 of 2022 in ARC.No.42 of 2017 on the file of the learned Principal Sub Judge, Krishnagiri.

For Petitioner : Mr.Y.Jyothish Chander
For Respondents : Mr.S.Velmurugan

ORDER

Challenge has been made to the order of the Executing Court directing for production of certain documents in Memo in REP.No.193 of 2022 in ARC.No.42 of 2017 dated 07.12.2024, the present revision has

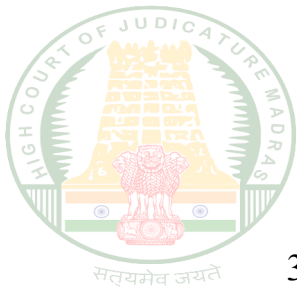


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been filed.

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2. Execution is levied pursuant to the award passed in ARC.No.42 of 2017 dated 19.01.2022. The respondent has initiated arbitration proceedings before the Chit Registrar on account of default in payment of chit subscriptions. Award came to be passed on 19.01.2022 for a sum of Rs.4,36,495/- together with interest @ 24% with costs. Execution Petition was filed by the respondent seeking attachment of the property which was already mortgaged with them. In the enquiry, based on some admissions made by the witness that he is ready to produce the document, the Executing Court has ordered to produce various documents including the minutes books, receipt books and other connected documents in respect of other chit also. The contention was raised by the judgment debtor that the amount in some other chits have been wrongly adjusted and not been given credit. Therefore, sought to produce those document and memo has been filed. The Executing Court proceeded mainly on the ground that since the witness himself admitted that the documents are available with them, therefore, allowed the memo vide impugned order.



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

4. At the outset, this Court is of the view that even those documents are produced before the Executing Court, the Executing Court cannot go beyond the award. Even assuming that there are some entries, on that basis, the Executing Court cannot now go beyond the decree in the petition which is filed for attachment of the property. If the petitioner wants to establish any satisfaction or discharge, the proper remedy is to file an application under Section 47 of Code of Civil Procedure and establish the same; not in the petition which is filed for attachment of the immovable properties.

5. Such view of the matter, the impugned order dated 07.12.2024 set aside. Accordingly, this revision stands allowed. No costs. The petitioner is at liberty to work out his remedy in the manner known to law.

17.07.2025

dhk

Internet : Yes



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N. SATHISH KUMAR, J.

dhk

To

- 1.The Principal Sub Judge
Principal Sub Court,
Krishnagiri
2. The Section Officer,
VR Section,
High Court, Madras.

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