



WEB COPY



CRP NPD.No.1787 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 12.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP [NPD] No.1787 of 2025 & CMP.No.10320 of 2025

Ashokkumar

. . . Petitioner

Versus

1. Dhanalakshmi Srinivasan Chit Funds Pvt. Limited,
154/3, L.M.R.Complex, Salem Road,
Namakkal, represented by its Foreman N.Mohan

Sivaprakasam [died]
Prema [died]

2. Jothi
3. Hariharan
4. Rakshna

. . . Respondents

PRAYER : Petition filed under Article 227 of Constitution of India to set aside the docket Order dated 25.02.2025 passed in REA.No.189 of 2018 in AOP.No.1 of 2016 on the file of the Additional District Judge, Namakkal and allow the above CRP.



WEB COPY



CRP NPD.No.1787 of 2025

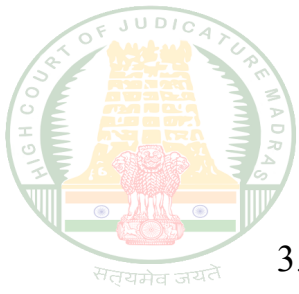
For petitioner : Mr.R.Nalliappan

For respondents : Mr.Y.Jyothish Chander – R1

ORDER

Challenging the docket Order of the learned District Judge, Namakkal recording the fact that the memo filed by the decree holder has been not pressed against the respondents 1, 3, 4, 5 and 6 and he had recorded that the Execution Petition has been dismissed as not pressed as against the respondents 1, 3, 4, 5 and 6 and posted the Execution Petition for enquiry against the second respondent alone, the present Civil Revision Petition has been filed.

2. The main contention of the learned counsel appearing for the petitioner is that initially the judgment debtor has filed a memo on 29.11.2024 seeking no action against the property of the second respondent. However, the said memo has been not pressed later. Subsequently, the judgment debtor filed a memo not pressing the execution proceedings against the respondents R1, 3, 4, 5 and 6. Hence, the present Civil Revision Petition.



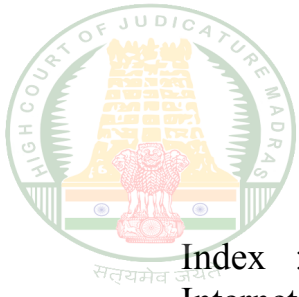
CRP NPD.No.1787 of 2025

3. According to the learned counsel appearing for the revision petitioner, the property of the principal borrower has also been attached by the decree holder. But without proceeding against the property of the principal borrower, the property of the guarantor alone sought to be attached.

4. At the outset, this Court is of the view that this Civil Revision Petition is not maintainable. It cannot be said that the guarantor cannot be proceeded first without proceeding against the principal borrower. It is for the decree holder to proceed against any one to realize the decree amount. Hence, I do not find any merits in this revision petition.

5. Accordingly, this Civil Revision Petition is dismissed. It is well open to the revision petitioner to recover the same from the principal borrower, if the amount is realized from his property. No costs. Consequently, connected miscellaneous petition is closed.

12.06.2025



CRP NPD.No.1787 of 2025

Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc

To,

The Additional District Judge,
Namakkal.



WEB COPY



CRP NPD.No.1787 of 2025

N. SATHISH KUMAR, J.

vrc

CRP NPD No.1787 of 2025

12.06.2025