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CRP NPD.No.1793 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 09.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP [NPD] No.1793 of 2025 & CMP.No.10361 of 2025

1. Raja Priyan
2. Sumathi

. . . Petitioners

Versus

1. M/s.Shriram Chits India Pvt. Ltd.,
No.4/289, Pycroft Road,
[Bharathi Salai], Triplicane, Chennai – 600 005.

2. D.Dinesh
3. D.Illavarasi
4. Mr.C.Kuppuraj
5. Mr.M.Pachatantram

. . . Respondents

PRAYER : Petition filed under section 115 of Code of Civil Procedure to set aside the Order and decretal Order passed in E.P.No.2597 of 2023 dated 19.03.2025 passed by the learned IX Assistant Judge, Chennai.

For petitioners : Mr.Abinesh Babu

For respondents : Mr.T.Jayakumar – R1



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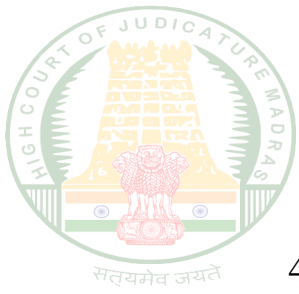
ORDER

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Challenge has been made to the Order of salary attachment passed by the Executing Court in the Execution Petition which is filed to enforce the award dated 19.01.2023, in the present Civil Revision Petition.

2. The grievance of the revision petitioner before this Court is that he is only a guarantor and though the salary attachment has already been made against the judgment debtors 5 and 6, no amount has been debited from their salary. Hence, the present Civil Revision Petition.

3. At the outset, this Court is of the view that the contention of the revision petitioner cannot be countenanced. It is for the decree holder to enforce the decree as against any of the judgment debtors. The judgment debtors cannot dictate the decree holder to recover the money from the particular judgment debtor. Be that as it may.



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4. Now, this Court suggested interest at the rate of 12% per annum and the learned counsel appearing for the first respondent has filed calculation calculating interest from 28.06.2022. As per the calculation, after giving credit to the amount already deposited by the judgment debtors, still a sum of Rs.5,83,022/- has to be paid by the judgment debtors. The learned counsel appearing for the revision petitioner submitted that the petitioner will deposit the above amount within a period of four weeks. The statement of the revision petitioner is recorded.

5. Accordingly, the revision petitioner is directed to deposit a sum of Rs.5,83,022/- [Rupees five lakhs eighty three thousand and twenty two only] within a period of four weeks from today. If the amount is not deposited as agreed before this Court, the Order of the Execution Court shall take effect.

5. With the above directions, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

09.07.2025



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Index : Yes / No

Internet: Yes

Speaking/non speaking order
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To,

The IX Assistant Judge,
City Civil Court, Chennai.



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N. SATHISH KUMAR, J.

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