



C.R.P.Nos.1867 & 2527 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.Nos.1867 & 2527 of 2025
and CMP.Nos.10755 & 14424 of 2025

CRP.No.1867 of 2025

Muthumani

... Petitioner

Vs.

M/s.Apna Finance (India) Ltd
Rep by its Authorised Signatory
Mr.Vishal Lodha
No.1, Mannappan Street
Sowcarpet, Chennai – 600 079

... Respondent

CRP.No.2527 of 2025

G.Achyutha

... Petitioner

Vs.

1.M/s.Apna Finance (India) Ltd
Rep by its Authorised Signatory
Mr.Vishal Lodha
No.1, Mannappan Street
Sowcarpet, Chennai – 600 079

2.S.Sivakumar

3.Muthumani

... Respondents

Prayer in CRP.No.1867 of 2025 : Civil Revision Petition filed under Section 115 of Code of Civil Procedure, to set aside the fair and decretal order dated 26.03.2025 made in E.A.No.3 of 2024 in EP.No.6436 of 2022 on the file of the XXVIII Assistant City Civil Court, Chennai.



C.R.P.Nos.1867 & 2527 of 2025

Prayer in CRP.No.2527 of 2025 : Civil Revision Petition filed under Section 115 of Code of Civil Procedure, to set aside the fair and decretal order dated 21.04.2025 made in E.P.No.2206 of 2015 on the file of the XXVIII Assistant City Civil Court, Chennai.

CRP.No.1867 of 2025

For Petitioner : Mr.D.Veerasekharan
For Respondent : Mr.S.R.Sundar

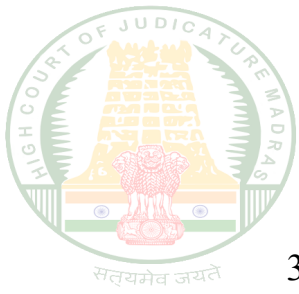
CRP.No.2527 of 2025

For Petitioner : Mr.D.Veerasekharan
For Respondent : Mr.S.R.Sundar for R1

COMMON ORDER

Though these revisions were listed today as separate items, since, the dispute arises out of an arbitration proceedings in the same award in ARC.No.257 of 2010 dated 18.11.2010, these revisions are taken up, heard together and disposed of by way of this common order.

2. The petitioner in CRP.No.1867 of 2025 is the second judgment debtor and the petitioner in CRP.No.2527 of 2025 is the third judgment debtor in the aforesaid award. The judgment debtors 2 and 3 are the guarantors of the amount borrowed by the first judgment debtor/S.Sivakumar.



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3.a. Challenging the order dated 26.03.2025 made in E.A.No.3 of 2024 in EP.No.6436 of 2022 on the file of the XXVIII Assistant City Civil Court, Chennai, the revision in CRP.No.1867 of 2025 has been filed.

3.b. Challenging the order dated 21.04.2025 made in E.P.No.2206 of 2015 on the file of the XXVIII Assistant City Civil Court, Chennai, the revision in CRP.No.2527 of 2025 has been filed.

4. Originally, the first judgment debtor had executed an Hire Purchase Agreement on 07.04.2007 for a sum of Rs.6 lakhs for purchase of car. As the amount was not paid as per the agreement, the matter was referred to arbitration and an award was passed in ARC.No.257 of 2010 dated 18.11.2010 for a sum of Rs.13,90,464/- together with interest @ 18% p.a., from the date of award till realisation. To realise that amount, the plaintiff/Finance Company has filed EP.No.2206 of 2015 under Order XXI Rule 37 and 38 of CPC seeking arrest as against the the judgment debtor. The Executing Court vide order dated 21.04.2025 allowed the petition. Challenging the same, the revision in CRP.No.2527 of 2025 has been filed. Similarly, the decree holder has filed EP.No.6436 of 2022 seeking for



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attachment of the property of the second judgment debtor, wherein, application was filed under Section 47 of CPC by the second judgment debtor. The Executing Court vide order dated 26.03.2025 dismissed the application filed under Section 47 and allowed the EP by ordering attachment. Challenging the order allowing the attachment, revision in CRP.No.1867 of 2025 has been filed.

5. Heard both sides and perused the materials placed on record. The revision petitioner/2nd judgment debtor and her husband first judgment debtor/borrower are present before this Court.

6. On 28.04.2025, the second judgment debtor has stated that she is ready and willing to deposit the agreed loan amount of Rs.7,92,000/- and sought for interim stay. It is also stated by the learned counsel for either side that the above amount has been deposited to the credit of the Execution Petition.

7. When the matter came up before this Court on the last hearing, at the request of the learned counsel for the petitioner, the Court in order to



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give quietus had requested the learned counsel appearing for the Finance Company/deGREE holder for considering in reducing the interest from 18% to 7.5%. On instructions, today, the learned counsel for the decree holder had submitted that the decree holder is ready to receive a sum of Rs.19 lakhs in full quit by calculating the interest @ 7.5% excluding the amount already deposited in the credit of the suit, i.e., 7,92,000/-.

8. The learned counsel for the petitioners submitted that the revision petitioner is ready to pay the amount as agreed by the decree holder, viz., 19 lakhs in ten installments commencing from August 2025. At any event, the entire amount of Rs.19 lakhs will be settled within the 10 instalments. The revision petitioner also assured before this Court that the entire amount will be paid.

9. Such view of the matter, as agreed by the revision petitioner, this Court is inclined to grant time to the revision petitioner/2nd judgment debtor to pay the agreed amount, i.e., Rs.19 lakhs to the decree holder commencing from August 2025. If the sum of Rs.19 lakhs is paid, the EP in both the revision stands terminated, otherwise, the Executing Court is at



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liberty to to proceed the execution proceedings for realisation of the decretal amount. It is also made clear that till the completion of 10 months from August 2025, the attachment order passed by the Executing Court in respect of the property shall continue and the sale of the property pursuant to such attachment shall be postponed, similarly, the arrest against the third judgment debtor shall also be kept in abeyance till such time.

10. At this stage, the learned counsel for the decree holder seeks liberty to withdraw the deposited amount of Rs.7,92,000/- from the Executing Court. Such view of the matter, the decree holder is permitted to withdraw the amount of Rs.7,92,000/- deposited to the credit of execution petition as per law.

11. Accordingly, this revisions stand disposed of. No costs. Consequently, connected miscellaneous petitions stand closed.

15.07.2025

dhk

Internet : Yes

Index : Yes / No



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To

1.The XXVIII Judge
Assistant City Civil Court,
Chennai

2.The Section Officer,
VR Section,
High Court, Madras.



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N. SATHISH KUMAR, J.

dhk

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and CMP.Nos.10755 & 14424 of 2025

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