



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-10-2025

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CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 2635 of 2025

and

CMP No.14905 of 2025

1A. Mary Jeraldin

Petitioner(s)

Vs

1. M/s.Jayapriya Chit Funds (P) Ltd

Rep.by its Manager,

K.R.Balasubramanian,

Mylapore, Chennai 4.

2.B.Jaiganesh

3.M.Panchatcharam

4.A. Karunanidhi

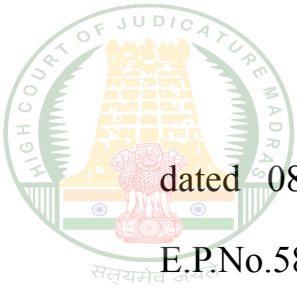
5.S.Murugan

6.V.Raji

Respondent(s)

PRAYER

This Civil Revision Petition has been filed under Section 115 of CPC to allow the Civil Revision petition and thereby not to given effect to the order



dated 08-04-2024 in EP.No.1629 of 2024 in ARC.No.381 of 2019 till
E.P.No.581 of 2024, is satisfied on the file of the XXV Asst.City Civil Court,
Chennai.

For Petitioner(s): Mr. A.R.Nixon

For Respondent(s): Mr. S.Baratha Ambethkar
for R1

Mr.P.Srinivasan,
for R2

Mr.R.Asokan,
For R3

Mr. K.P.Chandrasekaran
for R4

ORDER

Heard the learned counsel for the petitioner, Mr.Nixon and learned
counsel for the first respondent/decreed holder, Mr.Bharatha Ambethkar.

2. The Revision petitioner is surety to a chit transaction between the first
respondent and the principal subscriber, who is arrayed as second respondent.

An award came to be passed, which was put to execution in E.P.No.1629 of
2024.



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3. Mr.Nixon, learned counsel appearing for the petitioner, submitted that the revision petitioner is a teacher, who stood surety for the chit transaction of the second respondent. The decree holder has already proceeded against the immovable property of the principal subscriber, namely the second respondent, and as early as on 18.12.2024, attachment of the immovable property belonging to the principal subscriber has been ordered and steps have been taken to recover the amounts due from the second respondent.

4. Mr.Nixon, learned counsel would further submitted that the first respondent/ decree holder is proceeding against the petitioner, who is only a surety. He would also submit that subsequent to the order of attachment, the bank had also frozen the account of the petitioner and she is not getting a single penny, even though the amount liable to be attached would not exceed Rs.20,000/- per month.

5. The learned counsel for the first respondent would submit that the first respondent came to know that the property, which is the subject matter of

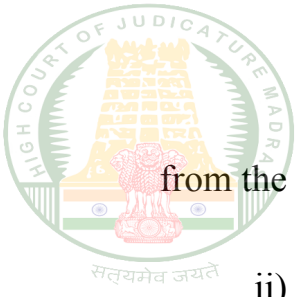


attachment, is only an undivided share and that it belongs to a joint family property. Therefore, the first respondent has proceeded to execute the decree as against the revision petitioner. He would further submit that there is no impediment in law to proceed against the surety while not proceeding against the principal chit subscriber.

6. No doubt, the decree holder is having a discretion to proceed against the principal subscriber and/or the sureties. Therefore, there is no grave error on the part of the first respondent, who has taken steps to attach the salary of the revision petitioner.

7. Considering the fact that the revision petitioner is a teacher and is towards the fag end of her service, I am inclined to set aside the order of attachment of salary, on condition that the petitioner shall pay a total sum of Rs.4,00,000/- (Rupees Four Lakhs only) within a period of twelve weeks, in the following manner :

i) Rs.2,00,000/-(Rupees Two lakhs only) within a period of six weeks



from the date of receipt of a copy of this order and

ii) the remaining Rs.2,00,000/-(Rupees Two lakhs only) within a further period of six weeks thereafter.

8. The said amount shall be received by the first respondent/decreed holder without prejudice to his claim in the Execution Petition.

9. With the above directions, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

14-10-2025

Neutral Citation: Yes/No

mrp

To
The XXV Assistant City Civil Court, Chennai.



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P.B.BALAJI J.

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