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CRP NPD.No.2905 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 14.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP [NPD] No.2905 of 2025 & CMP.No.16401 of 2025

Sebastian

. . . Petitioner

Versus

1. M/s.Shriram Chits Tamil Nadu [P] Ltd.,
T.Nagar Branch, No.78, Usman Road,
T.Nagar, Chennai – 600 017.

2. L.M.Ganesan
3. Ethirajan
4. Nithyanandam

. . . Respondents

PRAYER : Petition filed under Section 115 of Code of Civil Procedure to set aside the Order dated 30.04.2025 in E.A.No.3 of 2024 in E.P.No.515 of 2024 by the learned IX Assistant Judge, City Civil Court, Chennai and allow the Civil Revision Petition.

For petitioner : Mr.G.Anbuechezheiyen



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ORDER

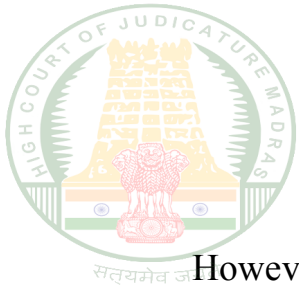
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Challenging the Order of the Execution allowing the application filed filed by the petitioner to set aside the exparte Order under Order XXI Rule 106 Code of Civil Procedure on payment of Rs.one lakh to the decree holder towards part payment on or before 06.06.2025 and as the amount has not been paid, the present Civil Revision Petition has been filed.

2. The respondent filed the Execution Petition based on the Arbitral Award passed in ARC.No.409 of 2012 on 20.06.2012. According to the revision petitioner he is only a guarantor. It is his contention that he had already filed an appeal against the award before the Secretary to Government and the same is pending.

3. At the outset, this Court is of the view that, mere pendency of the appeal will not amount to automatic stay. The award is of the year 2012. The decree holder has not seen the fruits of the decree till 2025. Hence, I do not find any merits in this revision.

4. Accordingly, this Civil Revision Petition is dismissed. No costs.



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However, as the petitioner is willing to deposit the amount of Rs.one lakh as per directions of the Execution Court, one month time is extended to the petitioner to deposit the amount. If the amount is not deposited within one month from today, the application in E.A.No.3 of 2024 stands dismissed and the Execution Court shall proceed with the Execution Petition on merits.

14.07.2025

Index : Yes / No
Internet: Yes
Speaking/non speaking order

vrc

To,

The IX Assistant Judge,
City Civil Court, Chennai.



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N. SATHISH KUMAR, J.

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