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CRP(NPD) No.3012 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 18.07.2025

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.R.P (NPD) No.3012 of 2025 and CMP No.16899 of 2025

1.R.Mohanammal
2.K.Thulasiraman

... Petitioners

..Vs.

M/s.Sri Ram Transport Finance
Company Limited
its General Power of Attorney
B.Prabakar
Office Mookambiga Complex
Lady Desika Road, Mylapore
Chennai-600 004.

... Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 19.02.2025 passed in E.A.No.1 of 2023 in E.P No.19 of 2019 in ACP No.41 of 2018 by the District Judge, Tirupattur, thereby allowing the Civil Revision Petition.

For Petitioners : Mr.C.Balasundar

ORDER



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Challenge has been made to the order passed by the Executing Court, dismissing the application filed under Section 47 CPC and 151 of CPC to raise the attachment and also not to proceed with the execution.

2. The Execution has been levied, in pursuant to the arbitration award passed in Arbitration Case No.41 of 2018. The revision petitioners had availed financial assistance to the tune of Rs.35,00,000/- from the respondent, and executed necessary documents including a registered mortgage by deposit of title deeds in favour of the respondent. As the amount has not been paid, the matter has been referred to the learned Single Arbitrator. Arbitration culminated to the award for a sum of Rs.48,11,741/- with further interest at 18% per annum.

3. It is to be noted that though there was a mortgage by deposit of title deeds , the Arbitrator has passed only the money decree. He has not dealt with the deposit of title deeds. The execution petition was filed to enforce the award wherein, the immovable property of the revision petitioners has also been attached by the Executing Court. Therefore, an application under Section 47 of CPC has been filed under



various grounds contending that several blank papers have been obtained from them. That apart, the proceedings under Section 138 of Negotiable Instruments Act was also initiated against the revision petitioners and therefore, sought to remove the attachment and also declare that the award is not maintainable. The trial Court has rightly rejected the application. Challenging the same, the present revision has been filed.

4. Heard the learned counsel for the petitioners and also perused the materials available on record.

5. At the outset, the very application is not maintainable. The Arbitral Award has not been challenged and had reached its finality and as such, the decree based on the award is enforceable in law. The award is only a simple money award. Therefore, the Executing Court has rightly attached the property in the Execution. The validity of the award cannot be restrained since the award had reached its finality. Merely because, criminal prosecution has been initiated under Section 138 of Negotiable Instruments Act that will not be a ground to contend that the Execution Petition is not maintainable to recover the amount. Hence, I do not find any merits in this revision petition.



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6. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2025

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To

The District Judge
Tirupattur.

N.SATHISH KUMAR,J
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