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C.R.P.No.2929 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2025

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No.2929 of 2023

S.Sowmiyan

...Petitioner

Vs.

The Manager,
M/s.Shriram Chits Tamil Nadu Private Limited,
Rep by its Authorized Signatory Sivaraja
Chennai.

...Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleased to set aside the order and decree in E.A.No.4 of 2023 in E.P.No.3983 of 2021 in ARC.No.419 of 2013 dated 05.07.2023 on the file of XXVth Assistant Judge, Court of City Civil Court, Chennai by allowing the Revision Petition.

For Petitioner : Mr.R.Thangamani

For Respondent : Mr.S.Prabhu

ORDER



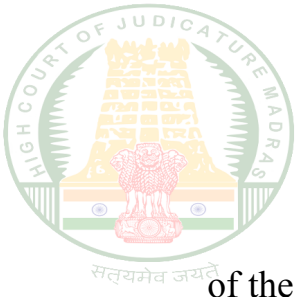
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Heard the learned counsel for the Petitioner and the learned counsel for the Respondent.

2. The petitioner is the judgment debtor in Execution Petition No.3983 of 2021 before the learned XXV Assistant Judge, City Civil Court, Chennai. The decree arises out of ARC proceedings where the respondent has been successful in getting an award against the petitioner and three others.

3. The petitioner has been set ex-parte in the execution proceedings, and he took out an application in E.A.No.4 of 2023 to raise the ex-parte order of attachment that was passed on 15.06.2021. Though the respondent's counsel had made an endorsement stating that he has no objection for the petition being allowed, the Trial Court, finding that the revision petitioner has sworn to a false affidavit, proceeded to non-suit the petitioner and dismissed the application, as against which the present revision has been filed. When the decree holder themselves has no objection for the application to raise the attachment of salary, the Court should not have proceeded to dismiss the application on an independent consideration



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of the averments made in the affidavit.
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4. However, at the same time, considering that the petitioner has suffered an award for a sum of Rs.8,08,715/- and despite the petitioner having filed a counter also and the proceedings having been pending from 2013, I am inclined to allow the revision petition on condition that the petitioner pays 25% of the EP amount, i.e., Rs.2,02,000/- within a period of six weeks from the date of receipt of a copy of this order.

5. On compliance of the said condition, by making payment to the respondent/decreed holder directly, the order of attachment in E.A.No.4 of 2023 shall stand set aside. Thereafter, the learned XXVIII Assistant Judge (XXVth Assistant Court fully in-charge) shall dispose of the EP, on merits and in accordance with law, within a period of 12 weeks thereafter. It is made clear that if the amount is not paid within the stipulated time, the CRP shall stand dismissed without any further reference to the Court.

6. This Civil Revision Petition is allowed on the above terms. No costs.



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Index : No
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To

The learned XXVth Additional Judge, City Civil Court, Chennai.

P.B.BALAJI. J.

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