



CRP NPD.No.3954 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

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Date : 21.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP NPD No.3954 of 2024 & CMP.No.21620 of 2024

1. K.Prabhakaran
2. K.Madasamy

. . . Petitioners

Versus

1. M/s.Shriram Chits India Private Limited,
represented by its Senior Law Officer,
M.Sivaraja

2. C.Murugadoss
3. S.Selvaraj

. . . Respondents

PRAYER : Petition filed under Section 115 of Code of Civil Procedure to set aside the Order dated 20.08.2024 in E.P.No.542 of 2024 on the file of XXVIII Assistant City Civil Court, Chennai in ARC.No.104 of 2023 on the file of the District Chit Funds Cases Court, Central, Chennai.



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For petitioners : Ms.V.Lakshmi

Respondents : Mr.S.Karthik – R1

R3 – No appearance

R2 & R4 – Notice not served

ORDER

Challenging the Order of attachment of salary of the revision petitioners made in the Execution Petition in E.P.No.542 of 2024 filed to recover the money as per the Arbitral award passed in ARC.No.104 of 2023, the present Civil Revision Petition has been filed.

2. The revision petitioner is a guarantor in a chit transaction in ARC No.104 of 2023. Even during the arbitral proceedings, despite service of notice on the revision petitioners, both at residence and workplace address, the revision petitioners have not appeared during the proceedings. Therefore, the award came to be passed. Thereafter, even in the execution proceedings, notice sent to the office address of the revision petitioners has been returned as



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'restricted area'. Therefore, substituted service has been Ordered against the revision petitioners. Substituted service has also been effected and as they failed to appear, the Order of attachment has been passed against the revision petitioners. Challenging the same, the present revision has been filed.

3. The main contention of the revision petitioners is that notice has not been served on the revision petitioners and hence, the Order of attachment has to be set aside and the matter has to be remanded to the arbitral tribunal.

4. When this Court posed a question as to what legal defence the revision petitioners have in the Execution proceedings, the learned counsel appearing for the revision petitioners submitted that the revision petitioners being guarantors, they are not liable to pay the amount. However, an Order of attachment has been passed without serving notice to them. Except contending that no notice has been served, no other valid defence is put forth before this Court to contest the very Execution Petition and the attachment. The attachment has already been Ordered. At any event, the petitioners, being



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guarantors, they are liable to pay the amount. Attachment Order has been passed after service is completed as per law and now they have no valid defence to contest the Execution Proceedings. Only in order to protract the proceedings and to avoid execution, the present revision petition has been filed. Hence, I do not find any merits in this revision petition.

5. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

21.01.2025

Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc

To,

1. The XXVIII Assistant Judge,
City Civil Court, Chennai.
2. The District Chit Funds Cases Court,
Central Chennai. .



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N. SATHISH KUMAR, J.

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