



CRP No.4490 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 24.09.2025

DELIVERED ON :26.09.2025

CORAM:

THE HON'BLE MR. JUSTICE P.B. BALAJI

C.R.P.No.4490 of 2023 and CMP No.27009 of 2023

1.D.Mahalakshmi
2.R.Durairaj
3.D.Mahendran

.... Petitioners

Versus

M/s Shriram City Union Finance Ltd.,
Peralam represented by its Branch Manager

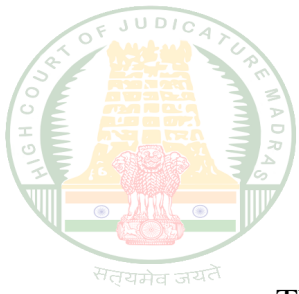
... Respondent

Revision filed under Article 227 of the Constitution of India against the order 13.10.2023 made in E.P.No.62 of 2019 on the file of Additional Subordinate Judge, Mayiladuthurai awarding attachment of immovable property for a sum of Rs.5,89,705/-belonging to the 2nd petitioner.

For Petitioners : Mr.S.Surya

For Respondent : No appearance

ORDER



CRP No.4490 of 2023

WEB COPY

The revision petitioners are judgment debtors in E.P.No.62 of 2019 before the Additional Subordinate Court, Mayiladuthurai. The revision petitioners challenge the order dated 13.10.2023 in E.P.No.62 of 2019 ordering attachment of immovable property belonging to the revision petitioners in order to recover the award amount of Rs.5,89,705/-.

2. I have heard Mr.S.Surya, learned counsel for the revision petitioners. The respondent, despite service of notice in the revision and name has also printed in the cause list, has neither chosen to appear in person nor through counsel.

3. Mr.S.Surya, learned counsel for the revisions petitioners would invite my attention to the fact that the respondent had initiated arbitration proceedings and an unilateral Arbitrator came to be appointed and according to the revision petitioners,without even service of notice on the revision petitioners, the Award came to be passed.

4. It is the further contention of the learned counsel for the revision



CRP No.4490 of 2023

petitioners that the respondent conducted a Special Mela inviting defaulters and borrowers for one time settlement. The revision petitioners availed of the said offer given by the respondent and after receiving notice in the Special Mela conducted by the respondent/deGREE holder, the revision petitioners have appeared and one time settlement at Rs.2,50,000/-(Rupees Two Lakhs Fifty Thousand Only) was reached and the same has also been paid subsequently. Evidencing the same, documents have also been exhibited in the typed set of papers. However, despite the settlement reached between the petitioners and the respondent, the respondent has proceeded with the execution petition and the executing court has also ordered attachment of immovable property, without even taking into account the settlement reached and there being no liability subsisting for the revision petitioners to fulfil. Unfortunately, the executing court has treated the payment of Rs.2,50,000/-(Rupees Two Lakhs Fifty Thousand Only) as part settlement of the loan amount and not as full and final settlement, as agreed between the parties.

5. The executing court has also found that the sum of Rs.2,50,000/- has not been established to be paid in full and final settlement as contended



CRP No.4490 of 2023

by the revision petitioners.

WEB COPY

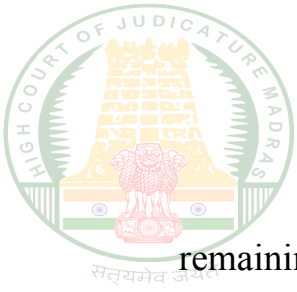
6. Execution Petition has been filed in January 2019 for recovery of a sum of Rs.5,89,705/- by attaching immovable properties belonging to the 2nd petitioner. The Special Mela, admittedly, was conducted pending the execution proceedings, as can be seen from the letter addressed to the first petitioner calling upon her to attend the Mela on 19.11.2019. The said document has been marked as Ex.R.6 through R.W.1. It is in furtherance of the same that the petitioners claim to have attended the Special Mela on 19.11.2019 and the respondent has agreed to receive a sum of Rs.2,50,000/- as full and final settlement and satisfaction of the award amount.

7. It is not in dispute that the petitioners have paid the said sum of Rs.2,50,000/- by way of two instalments. However, as rightly found by the executing court, no document has been filed on the side of petitioners to substantiate that the payment of loan amount of Rs.2,50,000/- was in full and final settlement of the Award amount or that the payment was made pursuant to the settlement reached before the Special Mela conducted by the respondent. However, considering the proximity of the payment to the



CRP No.4490 of 2023

Special Mela conducted by the respondent, the contentions of the petitioners cannot be lightly brushed aside. In fact, R.W.1 has also been examined and Exs.R.1 to R.8 have also been marked. There is nothing to rebut the contentions of the petitioners that the petitioners took advantage of the Special Mela conducted by the respondent and that they appeared before the respondent officials and reached settlement by way of one time settlement at Rs.2,50,000/-. If that is the case, then, the petitioners are not liable to pay any further amount. The Executing court shall direct the petitioners/decreed holders to produce documents regarding whether the petitioners appeared before the Special Mela conducted by the respondent on 19.11.2019 and as to whether any settlement was reached between the revision petitioners and the respondent at the said Mela and if the executing court finds from the records produced by the respondent/decreed holder that the petitioners indeed attended the Special Mela and settlement was reached by way of one time settlement at Rs.2,50,000/-, then, the executing court shall record full satisfaction and terminate the execution proceedings. However, if records show otherwise that there was no settlement reached at Rs.2,50,000/-, then the amounts paid by the revision petitioners would only be in part satisfaction and the respondent would be at liberty to proceed with the execution petition insofar as the



CRP No.4490 of 2023

remaining amount.

WEB COPY

8. This Court has granted stay on the execution proceedings on 27.11.2023. Therefore, I deem it fit to dispose of the revision in the manner following:-

(i) The order of attachment shall be kept in abeyance, till such time the executing court conducts a fresh round of enquiry after directing the respondent/decreed holder to produce the relevant records pertaining to the Special Mela and also to establish whether the petitioners participated in the Mela and if so, whether any settlement was reached viz., one time settlement at Rs.2,50,000/-.

(ii) Depending upon the documents produced by the respondent/decreed holder, the executing court shall pass suitable orders and as already indicated above, if the executing court finds that one time settlement had been reached, then the execution petition shall



WEB COPY



CRP No.4490 of 2023

be terminated. However, if the amount of Rs.2,50,000/- has been paid only in part payment, and not in furtherance of any one time settlement, then, the executing Court shall record part satisfaction of Rs.2,50,000/- and the order of attachment which has already been passed and directed to be kept in abeyance in clause (i) supra shall be given effect to and the respondent/decreed holder shall be at liberty to proceed with in accordance with law for the balance amount due and payable by the revision petitioners.

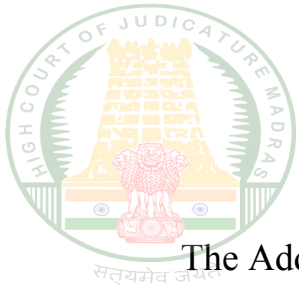
9. With the above directions, the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

26.09.2025

Index: Yes/No
Speaking Order/Non-Speaking Order
sr

To

7/10



CRP No.4490 of 2023

The Additional Subordinate Judge, Mayiladuthurai

WEB COPY



WEB COPY



CRP No.4490 of 2023

P.B.BALAJI,J.

sr

Pre-Delivery Order in
CRP No.4490 of 2023

26.09.2025



WEB COPY



CRP No.4490 of 2023