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C.R.P.No.10 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17..07..2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

C.R.P.No.10 of 2025

M/s. Dhanalakshmi Srinivasan Chit Funds Private Limited,
Rep. by its Foreman,
No.47/4, Laskini Towers,
First Floor, Vasuki Street,
Brough Road, Erode 638001.

..... Petitioner

-Versus-

1.K.Muthusamy
2.A.Anbarasan
3.G.Selvamani
4.S.Ravi
5.A. Xavier

..... Respondents

Petition filed under Section 115 of the Code of Civil Procedure, 1908, praying to set aside the order and decretal order dated 25.06.2024 passed in E.P. No. 187 of 2019 in A.R.C. No. 23 of 2017 on the file of the learned I Additional Subordinate Judge, Erode, insofar as it relates to the fixation of 1/6th share of liability on the judgement-debtors and consequently, to allow the Execution Petition in E.P. No. 187 of 2019 as prayed for.

For Petitioner : Mr.Y.Jyothish Chander

For Respondent : Mr.V.Venkatesh for R2

*No appearance for RR1, 3, 4
and 5*



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ORDER

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This Civil Revision Petition has been filed challenging the order dated 25.06.2024 passed by the learned I Additional Subordinate Judge, Erode, directing attachment of salary at the rate of 1/6th from the judgement-debtors, who are the respondents herein, for satisfaction of the decree amount in Execution Proceedings in E.P. No. 187 of 2019 on the file of the learned I Additional Subordinate Judge, Erode. The said execution proceedings arise out of the award passed in A.R.C. No. 23 of 2017 for the recovery of a sum of Rs. 3,39,071/- from judgment-debtors 1, 3, 4, 6, and 7, together with interest at the rate of 24% per annum until the date of full recovery, and costs of Rs. 14,929/-.

2. The revision petitioner is the decree holder, and respondents 1 to 5 correspond to judgement-debtors 1, 3, 4, 6, and 7. For the sake of convenience and to avoid confusion, the parties in this Civil Revision Petition will be referred to by their respective ranks as before the Executing Court.

3. The 1st respondent was the chit subscriber and had successfully bid in the chit conducted by the decree-holder. Respondents 1 to 5, along with D.Mary Shakila Devi and R. Karuppasamy, stood as guarantors for the repayment of the chit amount. Upon default by the 1st judgement-debtor in



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repaying the chit amount, the decree-holder initiated arbitration proceedings

under the Chit Funds Act, 1982, against the 1st judgement-debtor (the principal borrower) and judgement-debtors 2 to 7 (the guarantors).

4. The judgement-debtors chose not to contest the arbitral proceedings. After perusal of the available records and evidence, the Deputy Registrar of Chits, Chit Funds Cases, Erode, passed an award dated 27.11.2017 in A.R.C. No. 23 of 2017, directing recovery of a sum of Rs. 3,39,071/- with interest at the rate of 24% per annum from the date of default till realization of the entire amount, along with costs of Rs. 14,929/-, from judgement-debtors 1 to 7.

5. As no part of the award amount was paid, the decree-holder filed an Execution Petition before the learned I Additional Subordinate Judge, Erode, against judgement-debtors 1 to 7. Although the execution petition was initially filed against all the judgement-debtors, the decree-holder subsequently chose to proceed only against judgement-debtors 3, 4, and 6. It is relevant to note that the decree-holder voluntarily relinquished the claim against judgement-debtors 2 and 5, which was accepted by the Court by order dated 08.12.2023 in E.A. No. 3 of 2023. In the execution proceedings, the decree-holder sought attachment of the salaries of judgement-debtors 3, 4, and 6 (respondents 2, 3, and 4 herein). By the impugned order, the executing court directed recovery of



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the Execution Petition amount from judgement-debtors 3, 4, and 6 at the rate of

1/6th share each, and accordingly ordered attachment of their respective salaries to satisfy the said apportioned liability. It is this order that is now under challenge in the present revision petition at the instance of the decree-holder.

6. Heard the learned counsel for the revision petitioner/decreed-holder and the learned counsel for the 2nd respondent/3rd judgement-debtor. Despite service of notice, there is no appearance on behalf of respondents 1, 3, 4, and 5, who correspond to judgement-debtors 1, 4, 6 and 7. The learned counsel for the revision petitioner/decreed-holder submitted that there are seven judgement-debtors, and since the other judgement-debtors had already left their employment and were no longer in service, attachment was sought only against judgement-debtors 3, 4, and 6. However, the executing court passed an order directing attachment of the salaries of judgement-debtors 3, 4, and 6 to satisfy the award amount only to the extent of a 1/6th share each.

7. It is brought to the notice of this Court today that the 2nd respondent/3rd judgement-debtor, A. Anbarasan, has been discharged from the execution proceedings, having satisfied his entire liability as directed under the execution proceedings. This fact is not disputed by the revision petitioner.

8. When the award was passed against judgement-debtors 1 to 7, all of



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them were held jointly and severally liable to satisfy the award amount.

Therefore, it is well settled that the decree-holder is entitled to execute the award against any one or more of the judgement-debtors, except judgement-debtors 2 and 5, against whom the claim was relinquished by the decree-holder.

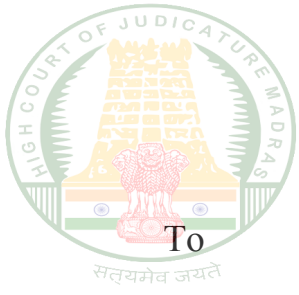
9. In this view of the matter, the order of the executing court, which is under challenge in this revision, directing attachment of salary proportionately to recover only a 1/6th share of the award amount from judgement-debtors 3, 4, and 6, cannot be held to be proper or legally sustainable.

10. In light of the above discussion, the revision petition succeeds, and the impugned order warrants interference by this Court.

In the result, the Civil Revision Petition is allowed. The impugned order is set aside. The Executing Court is directed to proceed with the execution against judgement-debtors 4 and 6 in E.P. No. 187 of 2019 for recovery of the amount due under the award. Insofar as the 2nd respondent/3rd judgement-debtor is concerned, as he has already discharged his liability, the revision petition as against him stands dismissed. No order as to costs.

Index : yes / no
Neutral Citation : yes / no
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To

1. The Additional Subordinate Judge, Erode, Erode District.



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N.SATHISH KUMAR.J.,

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