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CRP.No.5919 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2025

CORAM

THE HONOURABLE MR. JUSTICE P.B.BALAJI

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and

CMP.No.29250 of 2025

1.M/s.Sanjana Coir Pro,
35, Uthukkadu Road, Suleeswaranpatti,
Pollachi, Suleeswaranpatti,
Coimbatore.

2.T.Jayalakshmi,
W/o.Mr.E.Thangavel,
423, Kumaran Street,
Suleeswaranpatti,
Pollachi, Suleeswaranpatti,
Coimbatore – 642 006.

... Petitioner(s)

Vs.

M/s.Sundram Finance Limited,
Represented by its Deputy Manager(Legal),
21, Patullos Road,
Chennai – 600 002.

... Respondent(s)

Civil Revision Petition filed under Article 227 of Constitution of
India to set aside proceedings of Principal District Court, Coimbatore dated



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07.03.2025 in D.No.1165 of 2025 in I.A.No.378 of 2022 in Arbitration Case No.KER/SF/670/2022 and consequently direct the Principal District Court, Coimbatore to take necessary action to intimate the order raising the attachment to the Sub-Registrar, Pollachi in respect of petitioners residential house at Plot No.36, Happy Gardens, Sulaeswaranpatti Village, Pollachi Taluk, Coimbatore District to an extent of 1542.5 sq.ft for removing the encumbrance entry of attachment from records pertaining to the aforementioned property.

For Petitioner : Mr.N.C.Ashok Kumar

ORDER

This Civil Revision Petition is filed to set aside the proceedings of Principal District Court, Coimbatore dated 07.03.2025 in D.No.1165 of 2025 in I.A.No.378 of 2022 in Arbitration Case No.KER/SF/670/2022 and consequently direct the Principal District Court, Coimbatore to take necessary action to intimate the order raising the attachment to the Sub-Registrar, Pollachi in respect of petitioners residential house at Plot No.36, Happy Gardens, Sulaeswaranpatti Village, Pollachi Taluk, Coimbatore District, to an extent of 1542.5 sq.ft, for removing the encumbrance entry of attachment



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from records pertaining to the aforementioned property.

2. Heard Mr.N.C.Ashok Kumar, learned Counsel for petitioner.

3. The 2nd petitioner was subjected to arbitration proceedings having given guarantee for the loan availed of by the 1st petitioner.

4. At the time of initiation of arbitration proceedings, the impugned order came to be passed attaching the property belonging to the 2nd petitioner. The arbitrator has communicated the said order to the learned Principal District Judge, Coimbatore and the order of attachment has been effected and it reflects in the Encumbrance Certificate. Subsequently, the petitioners have settled the claims of the respondent / finance company and they have requested the attachment order to be raised by necessary endorsement in the Encumbrance Certificate, for which suitable



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communication would have to be issued by the learned Principal District

Judge, Coimbatore. The Arbitrator has also forwarded a communication to the

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learned Principal District Judge, Coimbatore, stating that the attachment may be raised. However, on receipt of the said communication from the Arbitrator, the learned Principal District Judge has replied to the sole Arbitrator returning the warrant received from the arbitrator stating that the award comes under commercial, the communication is not in proper form etc.

5. The parties have amicably settled the disputes and nothing remains insofar as the impugned arbitration award is concerned. The learned Principal District Judge ought not have harped on technical considerations to delay the raising of attachment. The arbitrator has already sent an official communication vide letter dated 16.01.2025, stating that the petitioner's herein have made entire payment of the dues outstanding and the order of attachment has been raised by the arbitrator. The certified copy of the order was also enclosed along with the said communication to the learned Principal



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District Judge. The learned Principal District Judge ought to have acted upon the request of the sole arbitrator and proceeded to take steps to raise the order of attachment, to reflect a contra entry in the Encumbrance Certificate. Instead, the Court has returned the request by citing technical objections that the address of the arbitrator is not mentioned and that it is not in the prescribed form. There is no impediment for the order of attachment being raised in view of the fact that the petitioners have, admittedly, settled the claim of the respondent / finance company and nothing is pending in the arbitration proceedings. The respondent has also acknowledged the payment of a sum of Rs.2,50,000/- from the petitioners in full and final settlement of the contract, which is the subject matter of dispute before the arbitrator as well as in this communication dated 13.09.2024.

6. In the light of the above, the learned Principal District Judge ought to have given effect to the order of raising attachment. In view thereof, I am inclined to set aside the communication dated 07.03.2025 made in



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D.No.1165 of 2025 in I.A.No.378 of 2022 in Arbitration Case

No.KER/SF/670/2022 on the file of the learned Principal District Judge,

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Coimbatore. The learned Principal District Judge, Coimbatore shall take expeditious steps by sending a suitable communication to the Sub Registrar concerned to reflect the order of raising attachment dated 16.01.2025, in order to modify the attachment order dated 04.01.2023. The original communication in D.No.1165 of 2025 in I.A.No.378 of 2022 along with other communication emanating from the sole arbitrator shall be returned to the learned Counsel for the petitioner to enable the same to be represented before the learned Principal District Judge, Coimbatore.

In fine, the Civil Revision Petition stands allowed. No costs.

Connected miscellaneous petition is closed.

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Index: Yes/No

Speaking Order/Non-Speaking Order

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To

1.The Principal District Judge, Coimbatore.



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P.B.BALAJI, J.

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