

C.R.P.(NPD)(MD)No.823 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 16.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(NPD)(MD)No.823 of 2021
and
C.M.P.(MD).No.4422 of 2021

P.Mahesh Raja

...Petitioner

Vs.

1.Sri Visalam Chitfund Limited,
Through its Branch Manager

2.S.Abdul Razaq

3.K.Kandhasamy Sankaran

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the fair and decreetal order in E.P.No.100 of 2018 in Chit P.No.50 of 2017 dated 23.03.2021 on the file of the learned Principal District Munsif, Tuticorin and allow the Civil Revision Petition.

For Petitioner : Mr.S.Senthil Sankara

For R-1 : Mr.K.Sudalaiyandi

For R-2 & R-3 : No Appearance

* * * * *



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ORDER

This petition has been filed seeking orders to set aside the fair and decreetal order in E.P.No.100 of 2018 in Chit P.No.50 of 2017 dated 23.03.2021 on the file of the learned Principal District Munsif, Tuticorin.

2. The learned counsel appearing for the petitioner would submit that the petitioner is a guarantor and has been arrayed as the third respondent in Chit.O.P.No.50 of 2017 before the learned Principal District Munsif, Tuticorin. Though notice was issued by the Authority under the Chit Act, 1982, it was returned with an endorsement as 'left' and after publication, the *ex parte* order was passed as against the Guarantors. The petitioner, being one of the guarantors, submits that the first respondent, without taking any steps to implement the award against the principal borrower or the other guarantors, have chosen to implead only the petitioner, which is not sustainable in law. Hence, this Court may be pleased to set aside the *ex parte* order dated 22.02.2018 by imposing reasonable costs on the petitioner and issue a direction to the Deputy Registrar of Chits to dispose of the case in accordance with law.

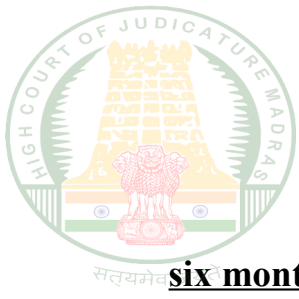


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“(*)3.Learned Counsel for the first respondent Chit Company would submit that the petitioner has filed his written statement before the trial Court and only thereafter, the trial Court proceeded with the execution proceedings, which need not be interfered with.

(*)4.Admittedly, the petitioner is a guarantor and the first respondent Chit Company initiated chit proceedings under the Chit Act, 1982. For non-appearance of the petitioner, an ex-parte order came to be passed. Considering the facts and circumstances of the case, since no opportunity has been provided , on that sole ground, the order impugned herein is set aside. The petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the High Court Legal Services Authority attached to this Bench within a period of two weeks from the date of receipt of a copy of this order and produce the receipt before the Deputy Registrar of Chits, Tuticorin. Upon receipt of the same, the fair and decreetal order in E.P.No.100 of 2018 in Chit P.No.50 of 2017 dated 23.03.2021 on the file of the learned Principal District Munsif, Tuticorin, shall stand set aside and thereafter, the Deputy Registrar of Chits, Tuticorin, is directed to conduct an adjudication between the petitioner and the respondents and complete the same within a period of



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six months therefrom.”

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5. Accordingly, the Civil Revision Petition stands allowed. Consequently, the connected miscellaneous petition is closed.

Sd/-

16.06.2025

(*)Corrected as per order of this Court dated 22/07/2025 made in CRP(MD)No. 823 of 2025

Sd/-

Assistant Registrar (CS III)

// True Copy //

/08/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

TSG/MR

To:-

(*)To be Substituted to the order already despatched on 16/07/2025

1.The Deputy Registrar of Chits, Tuticorin.

2.The Principal District Munsif, Tuticorin.

3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

Copy to:
The Officer In-charge,
High Court legal services Authority,
Madurai Bench of Madras High Court,



Madurai.

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+1 CC to M/s.S.SENTHIL SANKARA NATHA KUMAR, Advocate (SR-35186[F]
dated 18/06/2025)

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16.06.2025

AS - (09.07.2025) 5P/ 7C

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JJ/25.08.2025 5P/ 7C

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