



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD).(MD)No.1610 of 2021

and

C.M.P.(MD)No.8722 of 2021

P.Kanagaraj

..Petitioner

Vs.

1.M/s.Shriram Transport Finance Company Limited,
Ottanchatram Branch,
Represented by its Authorized Representative,
M.Janagaran

2.M.Mahendran

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the order passed in I.A.No.1 of 2021 in Arbitration Petition No.25 of 2020 by the Arbitral Tribunal, Dindigul, dated 23.08.2020.

For Petitioner

: Mr.S.C.Herold Singh



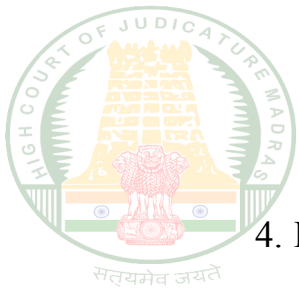
ORDER

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This petition has been filed seeking order to set aside the order passed in I.A.No.1 of 2021 in Arbitration Petition No.25 of 2020 by the Arbitral Tribunal, Dindigul, dated 23.08.2020.

2. The learned counsel appearing for the petitioner would submit that the petitioner borrowed a vehicle loan from the first respondent. Due to non-payment of the loan amount, the first respondent initiated arbitral proceedings against the petitioner in A.C.P. No.25 of 2020 before the Arbitral Tribunal at Dindigul. In the pending proceedings, the first respondent filed an interlocutory application in I.A.No.1 of 2021 before the Arbitral Tribunal, Dindigul, seeking an order of attachment against the petitioner and the second respondent herein. The sole arbitrator passed an order of attachment vide order dated 23.08.2020. Challenging the same, the present Civil Revision Petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner had filed an undertaking affidavit before the Arbitral Tribunal, Dindigul, stating that he would not alienate the property. He would further submit that one Chellamuthu has filed a money suit against the first respondent in O.S. No.311 of 2020 before the learned Additional District Judge, Palani, and the same is still pending.



4. In view of the fact that the petitioner had filed an undertaking affidavit before the Arbitral Tribunal stating that he would not alienate the property, the sole arbitrator proceeded to pass an order of attachment in I.A. No.1 of 2021. When the petitioner had already voluntarily undertaken not to alienate the property, the attachment order passed based on that undertaking cannot be challenged through this Civil Revision Petition. Such a challenge, being contrary to the petitioner's own undertaking, appears perverse and unwarranted, and this Court finds no merit in the same.

5. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

18.06.2025

Internet: Yes/No

Index: Yes/No

TSG

To

1. The Arbitral Tribunal, Dindigul.

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



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M.DHANDAPANI, J.

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