

C.R.P.(NPD)(MD)No.463 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(NPD)(MD)No.463 of 2022

and

C.M.P(MD)No.2028 of 2022

1.Gnanasekaran

2.Asogan

3.G.Vanitha

4.Ramadoss

.. Petitioners

Vs

1.M/s.Shriram City Union Finance Ltd.,
Bus Plaza, 2nd Floor,
No.5, Lawson Road, Opp. Vestray School,
Trichirappalli- 620 001.
Rep. by its Authorized Signatory,
B.Karthikeyan.

2.G.Kesavan

.. Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, against the fair and decreetal order made in E.P.No.9 of 2019 in A.C.P.No(SCUF)170 of 2013 dated 01.09.2021 on the file of the Additional District Court, Tiruchirappalli.

For Petitioner : Mr.S.Jayavel



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For Respondents : Mr.J.Barathan for R1

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ORDER

This revision petition has been filed challenging the fair and decreetal order made in E.P.No.9 of 2019 in A.C.P.No(SCUF)170 of 2013 dated 01.09.2021 on the file of the Additional District Court, Tiruchirappalli.

2. The learned counsel appearing for the petitioner would submit that the petitioners are the judgment debtors. The learned Additional District and Sessions Judge is not a competent authority for dealing with the commercial matters. As per the notification of the State Government only by the Principal District Judge, Trichy. In that commercial Court in the absence of the jurisdiction the Additional District Judge entertained the matter is not sustainable and the said issue was decided by this Court in C.R.P.(MD)No.589 of 2021. Accordingly, he prayed for appropriate orders.

3. The learned counsel appearing for the first respondent has no serious objection with regard to the law laid down by this Court in this regard.

4. This civil revision petition is filed solely on the ground that the Additional District Judge is not the competent authority to execute

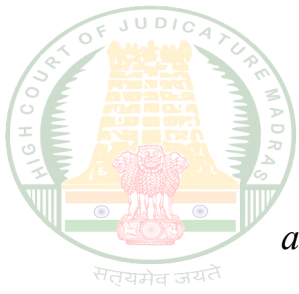


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Commercial Arbitration EP and the commercial matters should come before the Principal District Judge. The relevant paragraphs are as follows:

“6. The High Court of Delhi in the Judgment reported in 2010(4) RAJ 602 (Rahisuddin Vs. Gambit Leasing & Finance Pvt. Ltd.,) has held that all the execution petitions against the arbitrator award are to be filed subject to the pecuniary jurisdiction. If that is the criteria, then the Principal Subordinate Judge alone will be having jurisdiction to entertain the above execution petition. But the Commercial Courts, Commercial Appellate Division of High Courts (Amendment) Act, 2018, which received the assent of the President on 20.08.2018, came into force on 03.05.2018 and whereunder sub Section 1(A) has been inserted to Section 3 of the Act, contemplating that the State Government may, after consultation with the concerned High Court, by notification, specify such pecuniary value which shall not be less than three Lakh rupees or such higher value, for whole or part of the state, as it may be considered necessary.

7. Admittedly, the State of Tamil Nadu has not issued



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any notification but the Act itself is clear that the pecuniary

value shall not be less than Rs.3,00,000/- and not more than

the pecuniary jurisdiction excisable by the District Courts. It

is pertinent to note that, as of now, the Principal District

Court, Tiruchirappalli is the only notified Commercial

Court.”

5. In view of the above decision, the impugned order dated 01.09.2021 is set aside. The matter is remanded back to the learned Additional District Judge with a direction to forward the entire papers to the Principal District Judge to enable the Principal District Judge to pass appropriate orders by strictly following the law laid down by this Court in C.R.P(MD)No.581 of 2021 dated 16.08.2021.

6. Accordingly, this Civil Revision Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

28.08.2025

Internet : Yes/No

Index : Yes/No

NCC : Yes/No

PJL



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- To
- 1.The Additional District Court,
Tiruchirappalli.
 - 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

PJL

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