



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2489 of 2022

and

C.M.P.(MD).No.12199 of 2022

1.Vijayalakshmi

2.Nagaraj

...Petitioners

Vs.

M/s. Sri Ram City Union Finance Limited,
Through its Branch Manager,
Door No.73, R.S.Road,
Sindicate Bank Upstairs,
Nagal Nagar, Dindigul Town,
Dindigul District.

...Respondent

PRAYER: Civil Revision Petition is filed under Section 115 CPC to set aside the docket order dated 30.08.2022 made in E.P.No.84 of 2020 on the file of the Sub Court, Theni in A.C.P.No.83 of 2019 before the Sole Arbitrator at Theni and allow this Civil Revision Petition.

For Petitioners : Mr.K.Guhan

For Respondent : Mr.J.Barathan



ORDER

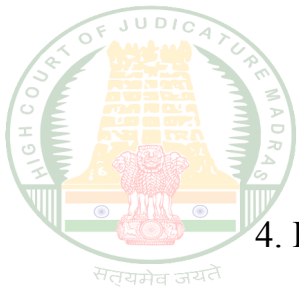
This Civil Revision Petition has been filed to set aside the docket order dated 30.08.2022 made in E.P.No.84 of 2020 on the file of the Sub Court, Theni in A.C.P.No.83 of 2019 before the Sole Arbitrator at Theni.

2. The respondent herein filed A.C.P.No.83 of 2019 before the Sole Arbitrator, Theni, for recovery of money against the petitioner and his wife. The Arbitrator passed an exparte award in favour of the respondent without issuing any proper notice to the petitioners. Based on the award passed in A.C.P.No.83 of 2019, the respondent filed E.P.No.84 of 2020 before the learned Sub Judge, Theni. The learned Sub Judge, without considering the factual aspects, passed the following docket order dated 30.08.2022:

"Heard. Records perused. As per the decree passed in arbitration dated 30.08.2019, the defendant was directed to pay Rs. 8,36,366/-. Hence, it is necessary to attach the petition schedule property for securing the payment of decree amount. Hence, attach by 30.09.2022."

Challenging the same, the present Civil Revision Petition has been filed.

3. The learned counsel for the petitioners submitted that this Court may permit the petitioners to file a detailed calculation statement with regard to the payments already made and also to contest the execution proceedings. He further submitted that the petitioners reserve their right to challenge the arbitral award in the manner known to law.



4. Heard the learned counsel for the respondent.

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5. In view of the above submissions, this Civil Revision Petition is disposed of with the following directions:

The petitioners are at liberty to file their calculation memo/objections before the Execution Court in E.P.No.84 of 2020 and contest the same on merits. The petitioners are also at liberty to challenge the arbitral award dated 30.08.2019 in the manner known to law, if so advised.

No costs. Consequently, connected miscellaneous petition is closed.

12.08.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The Sub Court, Theni.

2.The Sole Arbitrator, Theni.

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



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M.DHANDAPANI, J.

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