



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 1150 of 2026
and CMP No.5938 of 2026**

1. Aditya Mundra
S/52, 20th Street, Anna Nagar (West),
Chennai-600 040. Currently residing at
No.135, Vasantha Street, Golden George
Nagar, Mugappair, Chennai-600 037.

Petitioner(s)

Vs

1. Industrial Venture Capital Limited
Rep. herein by its Law Officer Hema Jotthi,
Vairama 112, Thyagaraya Road, T.Nagar,
Chennai-600 017. Having its registered
office currently at No.10, R Block, Ii Floor,
Prem Nagar Colony, South Boag Road,
T.Nagar, Chennai-600 017.

2.Maruthi Textiles Limited
Railway Station Road, Keelpattu
Nagari-517590, Chittoor District Andhra
Pradesh

Respondent(s)

Revision filed under Section 115 of Civil Procedure Code against the order dated 20.01.2026 passed in E.P.No.37 of 2016 in C.S.No.92 of 1998 by the II Additional District and Sessions Judge, Tiruvallur at Poonamallee.



WEB COPY



For Petitioner : Mr.V.Kuberan
For M/s Rank Associates
For Respondent(s): Mr.V.P.Raman
For R.1
R.2 – Service awaited

ORDER

Challenging the order passed in E.P.No.37 of 2016 in C.S.No.92 of 1998, the 2nd judgment debtor has preferred the above revision.

2. Learned counsel for the petitioner submits that the Executing Court, without making proper enquiry, with regard to the means of the petitioner, has erroneously passed an order of arrest, as such, it is illegal and is liable to be set aside. Learned counsel for the petitioner also submits that the 1st respondent is a non-banking finance Company, which has accorded certain advances to the 2nd respondent textile Mill. The revision petitioner was a Director of the said Company, before it went to insolvency and liquidation process. The said Company suffered huge losses on account of the textile industry undergoing a major set back. However, the 1st respondent had filed the above suit, for recovery of its dues as against the said Company and the petitioner stood as the guarantor. Learned counsel further submits that various financial issues faced by the textile mill coupled with labour unrest and compensation claims by the workmen, resulted in the petitioner's health getting deteriorated rendering him incapable of taking the services of legal counsel to defend the legal proceedings. The petitioner's health

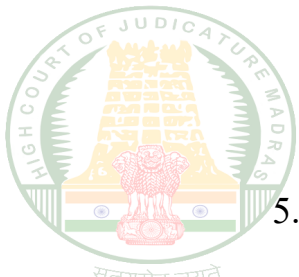


recovered to some extent after a decade.

WEB COPY

3. Learned counsel for the revision petitioner further submits that the lender had obtained an ex parte decree and since the petitioner's financial condition was so bad, he could not even seek to set aside the decree or afford to file any appeal and on account of the closure of the Mill, which was the only source of income to the petitioner, coupled with the labour settlements, the Petitioner had become insolvent without any assets. Various creditors of the Textile Mill had initiated insolvency proceedings, against the said Company (Judgment Debtor 1) before the National Company Law Tribunal. Ultimately, the said Company went into liquidation and all the creditors of the Company, including the first respondent, were arrayed as creditors and put on notice and pursuant to the liquidation, to which, the 1st respondent was a party, a public announcement was issued, calling upon the Creditors to submit their claims before the Interim Resolution Professional by 21.02.2019. On account of the said development, the Decree Holder is required to work out his remedy only by filing a claim before the liquidator. The proof regarding the liquidation proceedings are being filed herewith.

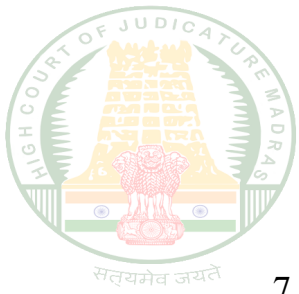
4. The 1st respondent/decreed holder filed E.P.No.37 of 2016 praying for an order of civil arrest against the petitioners alleging that though there are no assets that are owned by the revision petitioner, he has sufficient means and an order of civil arrest needs to be passed for due realisation of the amount under the decree.



WEB COPY

5. Learned counsel for the revision petitioner further submits that the petitioner has no means and the decree holder had filed a standardized petition and with standardized averment of a finance company without in any manner letting in evidence to prove the alleged means of judgment debtor. There was absolutely no material that was placed before the Executing Court to substantiate the claims relating to the available means of the Judgment Debtor. The petitioner had filed a detailed counter pointing out that he has no means of his own and is only dependent on others for livelihood. His age and health condition also does not permit him to engage any revenue generating activity and further submits that the decree holder/1st respondent has not produced any evidence or document to show that the petitioner is having sufficient means viz., movable and immovable properties, without which, the executing court has erroneously passed an order of arrest which is liable to be set aside.

6. Learned counsel for the 1st respondent/decreed holder raised strong objection stating that the petitioner has movable and immovable properties and has also produced Encumbrance Certificate through which contend that the petitioner has purchased properties in the names of his wife and son and even in Mogappair at Chennai, he is having a property valued at Crore and also submits that the petitioner is a person of means and the executing court has rightly ordered for arrest which does require any interference.



WEB COPY

7. I have considered the submissions of the learned counsel on either side.

8. Before the executing Court, the Decree Holder has pleaded for arrest of the judgment debtor for non-payment of dues and also submits that he is having movable properties worth about several lakhs, but, admittedly, no proof has been produced before the executing Court. However, he submitted an Encumbrance Certification before this Court at the time of enquiry in order to show that his family members are possessing valuable properties, which was said to be purchased by this petitioner in the names of his wife and son. But no document has been produced before the executing Court. The executing court is bound to conduct an enquiry with regard to the means of the judgment debtor before passing the order of arrest, which was not complied with.

9. Under such circumstances, the order of arrest passed by the executing Court in E.P.No.37 of 2016 is set aside and the matter is remanded to executing Court. The executing Court/II Additional District and Sessions Court, Thiruvallur at Poonamallee is directed to conduct proper enquiry in E.P.No.37 of 2016 and pass orders on merits and in accordance with law after hearing both sides within a period of two months from the date of receipt of a copy of this order.



WEB COPY



T.V.THAMILSELVI.,J

sr

10. With the above direction, the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.06.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order

To

The II Additional District and Sessions Court, Tiruvallur at Poonamallee.

CRP No. 1150 of 2026