Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 1802 of 2026 and
CMP No.8167 of 2026

CNR: {HCMA010696012026}

T.Somasundaram
S/o Thirunavukarasu
Presenlty Res at No.48, Manis Nagar
Gandhi road, Sanganur, Coimbatore
Previously Res at No.14/7,
Sekkanthottam, Coimbatore.

..Petitioner(s)

Vs

1. M/s Sriram Chits Tamil Nadu Pvt Ltd
   Rep by its Chairman
   Sai Baba Colony Branch
   Coimbatore.

2. M.Vijayalakshmi, S/o N.Murugesan
   Old No.40C, New No.2,
   Ashok Nagar, Chettiveedhi
   Coimbatore.

3. N.Murugesan, S/o Nagaraj
   Old No.40C, New No.2,
   Ashok Nagar, Chettiveedhi
   Coimbatore.

4. J.Venkatesh, S/o Jayakumar
   811, CGU Nagar, LIC Colony,
   Selvapuram, Coimbatore.

..Respondent(s)

Prayer: Civil Revision Petition is filed under Section 115 of CPC to set aside the fair and decreetal order dated 29.01.2026 passed in EP.No.38 of 2021 in ARC.No.183/2018 on the file of the II Additional Subordinate Judge at Coimbatore.

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For Petitioner(s): Mr. M.Ashwin Kumar

For Respondent(s): Ms. Nivethitha. S.
for Mr. ADARSH SUBRAMANIAN
R1 to R4 notice dispensed with.

ORDER

This Civil Revision Petition has been filed challenging the order passed by the Executing Court, allowing the application filed by the respondent to attach the property of the petitioner in execution of the Award obtained by him ARC No.183 of 2018.

2. The first respondent herein obtained an Arbitral Award against the petitioner and 3 others from the Deputy Registrar of Chits in ARC No.183 of 2018 and the said Award has been put into execution in E.P.No.38 of 2021. The total amount in the execution petition is Rs.2,41,036/-. Since the petitioner failed to honour the Award obtained by the respondent, the execution petition has been filed to bring the properties of the petitioner for sale.

3. The said application was opposed by the petitioner mainly on the ground that the Award has been passed without giving any appropriate opportunity to the petitioner to put forth his case. If the petitioner wants to challenge the Award, it is for him to file an appeal under Section 70 of the Chits Funds Act seeking to set aside the Award. Instead of challenging the Award in

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the manner known to law, the petitioner is not entitled to resist the execution petition on the ground that the Award has been passed without giving appropriate opportunity to the petitioner. The Executing Court has rightly observed that the petitioner is not entitled to challenge the correctness of the Award in the execution proceedings, without challenging the said Award in the manner known to law and allowed the execution petition by ordering attachment of the properties of the petitioner. I do not find and legal error in the impugned order passed by the Executing Court.

4. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected civil miscellaneous petition is closed.

28-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MST

To

The II Additional Subordinate Judge,
Coimbatore.

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S.SOUNTHAR, J.

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