



WEB COPY

CRP No. 477 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

**CRP No. 477 of 2026
and C.M.P.No.2641 of 2026**

1. The Management,
Nadumedu Milk Producer's Co-operative Society,
Nadumedu,
Kamakkapalayam,
Attur, Salem District.
2. The Co-Operative Sub Registrar
(Legal/Official Liquidator),
Sub-Registrar (Dairy) Office,
Salem.

..Petitioners

Vs

P.Anbazhagan

..Respondent

Prayer: Civil Revision Petition filed under Section 227 of Constitution of India praying to set aside the order dated 10.06.2025 passed in R.E.A.No.1 of 2024 in R.E.P.No.210 of 2015 on the file of the Principal Labour Court, Salem.

For Petitioners:

Mr.R. Balaramesh

ORDER

The Civil Revision Petition is filed challenging the order dated 10.06.2025 passed in R.E.A. No.1 of 2024 in R.E.P. No. 210 of 2015 on the file of the Principal Labour Court, Salem.



2. It can be seen that the execution petition is filed since the award is not complied with. The prayer in the execution petition is for arrest. It seems that it was reported before the trial Court that the society has been wound up and a liquidator was appointed on 25.08.2022 and therefore the liquidator is a proper party and accordingly the decree holder has filed the above interlocutory application in which the impleading as prayed for was ordered. Aggrieved by the same, the present Civil Revision Petition is filed.

3. The learned counsel appearing for the petitioner would submit that as per the law laid down by the Hon'ble Division Bench of this Court in ***T.Balakrishnan and others versus The Depositors Insurance Creditors (W.P. (MD) No.3751 of 2008 etc.)***, the liquidator will pay only as per the rules of disbursement as and when a claim petition is made and if no amount is available, the liquidator cannot be subjected to arrest proceedings.

4. There can be no quarrel over the said proposition. However, in this case, it is only a first step of impleading the liquidator. Unless the liquidator is impleaded, the execution Court will not be in a position to know whether the society is liquidated and if so, whether any amount is available in the hands of the liquidator so as to realise the decree and to grant such relief to the decree holder. Therefore, it will be very much open to the liquidator to file a counter in the execution petition stating the financial position and to take a stand that the



decree holder should only file a claim petition before the liquidator and if no money is available, the same can also be straight away put on record and the Hon'ble Division Bench judgment can also be duly brought to the notice of the execution Court. The mere impleading itself would not amount to the liquidator being put in the shoes of the person to be arrested.

5. With that clarification and giving opportunity to the petitioner to raise all grounds before the execution Court and with the further observation that the execution Court shall consider all such objections, the Civil Revision Petition is disposed of. Consequently, connected Civil Miscellaneous Petition is also closed. No costs.

05-02-2026

Neutral Citation: Yes/No

NSL

To
The Principal Labour Court, Salem.



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D.BHARATHA CHAKRAVARTHY, J.

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