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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 244 of 2026
C.M.P.No.1153 of 2026
CNR: {HCMA013142862025}

M.Ravi ..Petitioner(s)

Vs

1. Margadarsi Chits Private Limited
   Rep. by its Foreman cum Branch Manager,
   M.N.Prasad Babu,
   III Floor, Kaashyap Enclave,
   Door No.13-A, Velachery Main Road,
   Velachery, Chennai-600 042.

2. S.Vijayakumar
3. P.S.Navaneethan
4. S.Kathirvel
5. K.Vinoth
6. J.Umapathi
7. T.Selvaraj
8. N.Desika

..Respondent(s)

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India, pleased to setting aside the order dated 01.11.2025 passed in E.P.No.47 of 2025 pending on the file of the XXV Assistant City Civil Court, Chennai.

For Petitioner(s): Mr.N.Premkumar
for Mr.R.Prasanna Vineeth Durai

For Respondent(s): Mr.D.Shivakumaran

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ORDER

The Civil Revision Petition is filed challenging the order passed by the Executing Court ordering attachment of the property belonging to the petitioner / 8th Judgment Debtor.

2.It is not in dispute the first respondent obtained arbitration award against the petitioner and other respondents. The said award has been put into execution in E.P.No.47 of 2025. By the impugned order the Executing Court ordered attachment of the property belongs to the petitioner. Aggrieved by the same, the petitioner has come before this Court.

3.The learned counsel for the petitioner had tried to assail the impugned order on the ground that he is only the guarantor and instead of the proceeding against the property of the Principal Debtor, the first respondent decided to proceed against the property of the petitioner. It is also submitted that the subject property has been already mortgaged with a bank and therefore the same cannot be attached.

4.It is settled law the liability of the guarantor is coextensive with that of the Principal Debtor. Therefore, the petitioner / guarantor cannot dictate to the respondent / Decree Holder to proceed against the property of the Principal Debtor. In fact, the said point has already been raised by the petitioner under

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Section 47 of the Civil Procedure Code application filed by him in E.A.No.1 of 2025 and the same was dismissed. The order passed by the Executing Court was confirmed by this Court in C.R.P.NPD.No.1992 of 2025. Therefore, the petitioner is not entitled to raise the very same point again.

5.As far as the contention raised by the learned counsel for the petitioner the subject property was already mortgaged in favour of a Bank is concerned, it is made clear that subject to the rights of the secured creditor, the first respondent / Decree Holder is entitled to attach the property and proceed against it. Therefore, the attachment cannot be considered as illegal in view of the earlier mortgage.

6.It is also submitted that the value of the property is more than Rs.1 crore and the outstanding award amount is only Rs.19,81,726/-. Therefore, according to the petitioner, the attachment of the property of the petitioner would amount to excessive execution. The very same point was raised by the petitioner in the earlier Civil Revision Petition and this Court while disposing of the Civil Revision Petition directed the Executing Court to follow the provision under Order XXI Rule 64 of Code of Civil Procedure. Therefore, property of the petitioner can be brought to sale as per the provisions of Order XXI Rule 64 of Code of Civil Procedure and the right of the petitioner in this regard is well preserved.

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S.SOUNTHAR, J.

7.In view of the discussion made earlier, I do not find any merit in the averments made by the learned counsel for the petitioner. Accordingly, the Civil Revision Petition stands dismissed. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

27-10-2026

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

EP
To:-
XXV Assistant City Civil Court, Chennai.

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