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CMP(MD) NO. 6133 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01-06-2026**

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THE HONOURABLE MR JUSTICE V. LAKSHMINARAYANAN

CMP(MD) NO. 6133 of 2026

IN

CRP(MD) NO. 1292 OF 2026

1.Vasanthi

2.S.Bharath Kumar

Petitioner(s)

Vs

1. The Appellate Authority,
Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat,
Chennai 600 009.

2. The Deputy Registrar Chit,
Marthandam,
Kanyakumari District.

3. A.Devaraj

Respondent(s)

For Petitioner(s):

Mr.K.Prabakaran

For Respondent(s):

Mr.R.Ramasamy

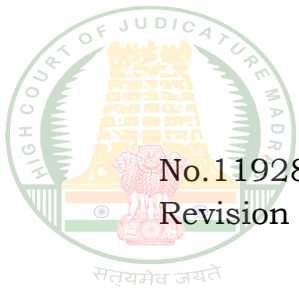
Government Advocate for R-1 & R-2

Prayer in CMP(MD)No.6133 of 2026:

To pass an order to stay all the proceedings pending before the Subordinate Judge, Padmanabhapuram in E.P.No.15 of 2024 in A.R.C No.1 of 2022 till the disposal of this Civil Revision Petition.

Prayer in CRP(MD).No.1292 of 2026 :

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order passed by the 1st respondent in Appeal



No.11928002/G/2025 dated 13.02.2026 and thereby allow the present Civil Revision Petition.

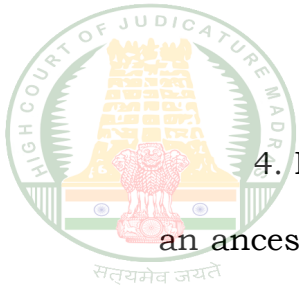
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ORDER

I am not convinced that the petitioner has made out a case to avoid the execution process. The second petitioner's father and grandfather were running a Chit Fund. The third respondent had joined the chit as a subscriber. When the amounts deposited by the subscribers were re-claimed, those running the chit funds executed promissory notes. Consequently, an arbitration application was presented in A.R.C.No.1 of 2022. An award was passed. Still the amounts were not repaid. Therefore, an Execution Petition has been filed by the third respondent before the Sub Court at Padmanabhapuram. The same is pending. In the meantime, challenging the award, the wife and son of the Director preferred an appeal. The appeal was presented with a delay of 2 years and 10 months and 19 days. The Appellate Authority, namely, the first respondent, rejected the appeal on the ground that no cause had been shown for condonation of delay.

2. It is the plea of Mr.K.Prabakaran that the award copy itself had not been served on the petitioners and hence, they could not file an appeal in time.

3. That aspect can be considered at the time of final disposal and when records are produced. The petitioners, being the wife and son of the deceased Director of the Chit Fund Company, are liable to the extent of the properties of the Director, which have come into their hands. At best, only personal liability can be avoided.



4. Mr.K.Prabakaran states that the property, which has been attached, is an ancestral property. An ancestral property would be liable for the debts that have been incurred by the grandfather and father of the second civil revision petitioner. Hence, I do find any reason to stay the execution proceedings. Accordingly, this Civil Miscellaneous Petition is dismissed.

5. The learned Subordinate Judge at Padmanabhapuram shall proceed with all necessary expediency with respect to E.P.No.15 of 2024.

01-06-2026

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To

1.The Subordinate Court,
Padmanabhapuram.

2.The Appellate Authority,
Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat,
Chennai 600 009.

3.The Deputy Registrar Chit,
Marthandam,
Kanyakumari District.