



CRP(MD). No.38 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.01.2026

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.38 of 2026
and
CMP(MD) No.194 of 2026**

Thirumurugan

... Petitioner

Vs

M/S.Shriram City Union Finance Limited,
represented by its Power Agent,
Subramanian

... Respondent

PRAYER :-Civil Revision Petition filed under Section 115 of CPC., to set aside the fair and decreetal order dated 04.01.2025 in E.P.No.9 of 2021 in Arb.Case No.319 of 2019 on the file of the Additional District Judge (FTC), Paramakudi, Ramanathapuram District.

For Petitioner : Mr.K.Yasar Arafath

For Respondent : Ms.T.Shiva Shree for
Mr.J.Barathan



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ORDER

This Civil Revision Petition has been filed challenging the order dated 04.01.2025 made in E.P.No.9 of 2021 in Arb.Case.No.319 of 2019 on the file of the Additional District Judge (FTC), Paramakudi, Ramanathapuram District.

2.The short facts, which led to the filing of the present Civil Revision Petition, are as follows:-

The petitioner obtained loan from the respondent Finance Company. However, he defaulted in repayment of the same. Therefore, the respondent initiated arbitration proceedings in Arb.Case.No.319 of 2019 before the Sole Arbitrator as against the petitioner and others, who are the co-borrowers and obtained an award, vide order, dated 11.07.2020. Thereafter, the respondent filed an Execution Petition in E.P.No.9 of 2021 before the Additional District Judge (FTC), Paramakudi, Ramanathapuram District and the Court below, vide order, dated 04.01.2025, had allowed the said petition, directing the Officials to attach a portion of schedule mentioned property for the loan obtained by



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the petitioner. Challenging the same, the present Civil Revision Petition has been filed.

3.Mr.K.Yasar Arafath, learned counsel for the petitioner reiterating all the contentions set out in the memorandum of grounds of Revision would submit that without providing sufficient opportunity to the petitioner, the award has been passed and the respondent obtained an *ex-parte* award as against the petitioner. Hence, he seeks for appropriate orders.

4.Ms.T.Shiva Shree, learned counsel representing Mr.J.Barathan, learned counsel for the respondent would vehemently contend that though the execution petition was filed in the year 2021, the petitioner has not taken any effective steps to challenge the award passed by the Sole Arbitrator till today. The present Civil Revision Petition is filed after a lapse of more than 5 years from the date of arbitral award, for which, there is no proper reason was given by the petitioner and as such, the same is not maintainable.



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5. She would further submit that since the award passed by the Sole Arbitrator was not challenged in any manner and no restraint order is obtained as against the order passed by the Sole Arbitrator, the respondent filed execution petition, which was allowed, vide order dated 04.01.2025 and as against the order passed by the Sole Arbitrator, there is an alternative effective appeal remedy available under Section 34 of the Arbitration and Conciliation Act before the appellate authority.

6. Heard the learned counsel on either side and perused the records.

7. Admittedly, as against the award passed by the Sole Arbitrator, an appeal remedy is available before the appellate authority under Section 34 of the Arbitration and Conciliation Act. Without availing the said appeal remedy, the petitioner has filed the present Civil Revision Petition, which is *per se* not maintainable. Further, from the perusal of the order, dated 11.07.2020, it is clear that despite service of summon to the respondents, there was no representation on behalf of them to contest the case.



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8. In view thereof, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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09.01.2026

To

The Additional District Judge (FTC),
Paramakudi,
Ramanathapuram District.



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N.SENTHILKUMAR, J.

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