

**\* THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**

**\* THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

**CIVIL REVISION PETITION NO.808 OF 2026**

% 23.04.2026

# Potturi Venkata Rama Vanaja

.....petitioner

And:

\$ M/s. Sundaram Finance Ltd.,& 7 others

.... respondents

!Counsel for the petitioner : Sri Kirthi Teja Kondaveeti

^Counsel for the respondents :

<Gist:

>Head Note:

? Cases referred:

**HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

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**CIVIL REVISION PETITION NO.808 OF 2026****Between:**

Potturi Venkata Rama Vanaja

**..... PETITIONER****AND**

M/s. Sundaram Finance Ltd., &amp; 7 others

**....RESPONDENTS****DATE OF JUDGMENT RESERVED : 17.03.2026****DATE OF JUDGMENT PRONOUNCED : 23.04.2026****DATE OF JUDGMENT UPLOADED : 23.04.2026****SUBMITTED FOR APPROVAL:****THE HON'BLE SRI JUSTICE RAVI NATH TILHARI****&****THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**

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|-------------------------------------------------------------------------------|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals     | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Judgment?          | Yes/No |

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**RAVI NATH TILHARI,J**


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**BALAJI MEDAMALLI,J**

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**  
**THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI**  
**CIVIL REVISION PETITION NO.808 OF 2026**

**ORDER:-** *(per Hon'ble Sri Justice Ravi Nath Tilhari)*

Heard Sri Kirthi Teja Kondaveeti, learned counsel for the petitioner.

2. This Civil Revision Petition under Article 227 of Constitution of India has been filed by the judgment debtor, challenging the proceedings of E.P.No.1003 of 2024 in Arbitration case No.ASV/SF/123/2018 filed by respondent No.1-decree holder and pending in the Court of XIII Additional District Judge, Vijayawada.

3. Respondent No.1 – M/s. Sundaram Finance Limited holds an Arbitration award in Arbitration case No.ASV/SF/123/2018 dated 12.12.2018 under the Arbitration and Conciliation Act, 1996 against the respondent Nos.2 to 8 and petitioner. The operative part of the award is as follows:

“In the result, I, A.S.Velmurugan, Arbitrator, pass an award directing the respondents to pay to the claimant, a sum of Rs.54,24,277.50 (Rupees fifty four lakhs twenty four thousand two hundred and seventy seven and paise fifty only) with interest at 18% per annum from 27.06.2018 till the date of realization. This award also holds the Arbitrator's fee of Rs.2,500/-, Arbitrator's expenses of Rs.500/-, and value of non-judicial stamps of Rs.150/- for engrossing this Award.”

4. Respondent No.1 filed one E.P.No.1329 of 2021 impleading all the Judgment Debtors (J.Drs) but seeking execution with respect to the EP schedule property belonging to one of the J.Drs., namely Ms. A.Venkata Lakshmi Girija (J.Dr.No.3). The said EP is said to be pending.

5. The respondent No.1 filed another E.P.No.1003 of 2024 for execution of the same award as decree against the petitioner (J.Dr.5) with respect to his EP schedule property. The same has been ordered to be registered on 05.09.2024 by the Principal District Judge, Krishna, Machilipatnam and made over to the Court of XIII Additional District Judge, Vijayawada.

6. Challenging the registration of E.P.No.1003 of 2024, the J.Dr.No.5 (guarantor) has filed the present CRP.

7. Learned counsel for the petitioner submitted that the second Execution Petition against the guarantor, during the pendency of first Execution Petition against the borrower, is contrary to law. The learned Execution Court ought not to have entertained the second Execution Petition. The Decree Holder ought to have first exhausted the remedy against the borrower who is primarily liable for the amount from the property of the borrower in the first EP and thereafter if the decree remained unsatisfied, he could have proceeded against the other sureties or guarantors. The Decree holder was prohibited by Section 145 CPC to proceed against the petitioner who is Guarantor.

8. We have considered the aforesaid submissions and perused the material on record.

9. Section 145 of CPC reads as under:

**145. Enforcement of liability of surety.**—Where any person 1[has furnished security or given a guarantee]—

(a) for the performance of any decree or any part thereof, or

(b) for the restitution of any property taken in execution of a decree, or

(c) for the payment of any money, or for the fulfilment of any condition imposed on any person, under an order of the Court in any suit or in any proceeding consequent thereon,

the decree or order may be executed in the manner therein provided for the execution of decrees, namely:—

(i) if he has rendered himself personally liable, against him to that extent;

(ii) if he has furnished any property as security, by sale of such property to the extent of the security;

(iii) if the case falls both under clauses (i) and (ii) then to the extent specified in those clauses, and such person shall, be deemed to be a party within the meaning of section 47

Provided that such notice as the Court in each case thinks sufficient has been given to the surety.

10. Section 145 CPC does not create a bar for filing the execution petition for enforcement of liability of the surety by filing Execution Petition in addition to the filing of EP against the Borrower (J.Dr.). The pendency of the execution petition against the principal borrower is not a legal bar to proceed against the surety/guarantor.

11. In the present case the petitioner/guarantor was the party in the award proceedings and the award stands against him also. The direction under the award was to the respondents therein. The petitioner is one of the J.Dr(s). So, it cannot be said that the decree holder should exhaust the remedy of execution against the borrower first and then should proceed against the petitioner if so required. Pendency of one execution petition against one of the Judgment debtors is not a bar to institute other execution petition against the remaining Judgment debtors. Nothing has brought on record to support the

argument that the execution petition was not maintainable. In any case the execution petition has only been registered. The petitioner has the opportunity before the Execution Court to raise such valid objections as may be open to him under law and as may be advised.

12. No case for interference is made out with the registration of EP on the ground argued.

13. The Civil Revision Petition is dismissed.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

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**RAVI NATH TILHARI,J**

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**BALAJI MEDAMALLI,J**

Dated: 23.04.2026  
Note: L.R. copy be marked  
B/o.  
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