



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

**CRP No.1471 of 2026
& CMP.No.7023 of 2026**

M.Subramani

..Petitioners

Vs

1.Shriram Chits Indian Private Limited,
Perambur Branch,
No.60/61, Patel Road,
Chennai – 600 011.

2.Nithiyavani
3.A.Raja
4.Sivasankar
5.Elangovan

..Respondents

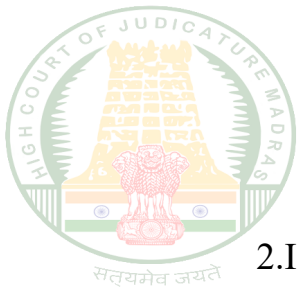
Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the order passed by the learned IX Assistant City Civil Court, Chennai in E.P.No.3369 of 2021 in ARC.No.613 of 2018 dated 16.04.2025.

For Petitioner: Mr.S.C.Pratheep Ashok Kumar

For Respondents: Mr.Adarsh Subramanian for R1
No appearance for RR2 to 5

ORDER

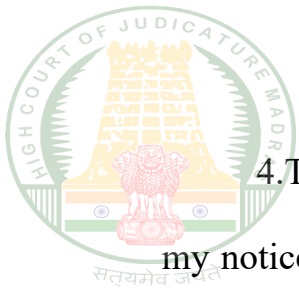
This revision petition has been filed to set aside the order passed by the learned IX Assistant City Civil Court, Chennai in E.P.No.3369 of 2021 in ARC.No.613 of 2018 dated 16.04.2025.



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2.I have heard Mr.S.C.Pratheep Ashok Kumar, learned counsel for the revision petitioner and Mr.Adarsh Subramanian, learned counsel for the 1st respondent.

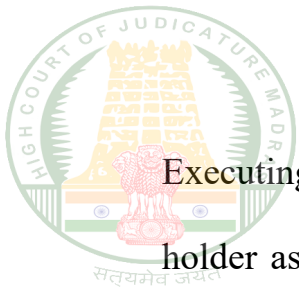
3.The grievance of the revision petitioner is that though he was arrayed as 5th respondent and 5th judgment debtor in the execution proceedings, in ARC proceedings itself, the petitioner was not served at the correct address. The learned counsel for the revision petitioner would point out to the award passed in the ARC proceedings and the address of the petitioner mentioned therein, which is not the address of the revision petitioner, which had been disclosed in the CRP papers. The door number is also incorrectly mentioned, as well as there is no mention of the street, where the petitioner resides is also not mentioned. In view of the above that the petitioner remained ex-parte in the award and consequently, even in the execution petition, he was set ex-parte due to service of notice on an incorrect address. The learned counsel for the revision petitioner states that only on receipt of the pro order from the garnishee, the petitioner came to know of the order of attachment. He would therefore pray that an opportunity may be given to the petitioner to contest the attachment prayer on merits and in accordance with law.



4. The learned counsel for the 1st respondent-decree holder would bring to my notice that the grounds that have been raised in the revision petition appear to only raise an inter se dispute amongst the judgment debtors, the original subscriber and the guarantors which in no way concerns the decree holder. The learned counsel for the 1st respondent is justified in such contentions, since it is not for the petitioner to address all allegations of fraud and misrepresentation as against the other judgment debtors in the execution petition, which cannot be successfully put against the decree holder, who holds an award in his favour.

5. However, considering the fact that the petitioner only requires an audience before any attachment order is made in the execution proceedings and in view of the admitted fact that the petitioner was set ex-parte, after being attempted to be served in an incorrect address, in which the petitioner does not reside, I am inclined to set aside the impugned order in E.P.No.3369 of 2021 dated 16.04.2025 insofar as the petitioner alone is concerned.

6. It is open to the Executing Court to proceed with the execution petition as against the other judgment debtors on merits and in accordance with law. Insofar as the revision petitioner is concerned, in view of the attachment order being set aside, the petitioner shall be given an opportunity to file counter within a period of two weeks from the date of receipt of a copy of this order by the Executing Court. On production of the copy of the order before the



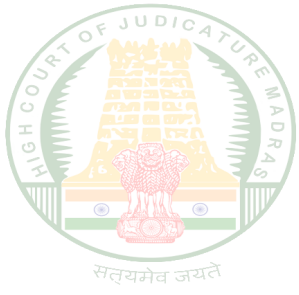
Executing Court, after affording an opportunity to the 1st respondent-decree holder as well, shall conduct due enquiry and shall pass final orders, within a period of six weeks thereafter.

7.The learned counsel for the petitioner, on instructions, states that the counsel who is now representing the petitioner in the execution proceedings was never engaged by the revision petitioner and it is only the present counsel, who is going to represent the petitioner-judgment debtor No.5 in the execution petition. It is made clear that on account of the dispute between the petitioner and his counsel, who appears presently before the Executing Court, the execution proceedings shall not be delayed or protracted in any manner and it is open to the learned counsel, who has appeared for the revision petitioner in this revision petition to file fresh vakalat and on such vakalat being filed and on production of the copy of this order, on enquiring with the revision petitioner in person, the Executing Court shall accept the vakalat and proceed with the matter.

8.The Civil Revision Petition is allowed, as indicated above. No costs.
Connected Civil Miscellaneous Petition is closed.

17.08.2026

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



P.B.BALAJI, J.

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To

The IX Assistant City Civil Court, Chennai.

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