

C.R.P.(MD) No.1049 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**C.R.P.(MD) No.1049 of 2023
and
CMP(MD) Nos.4950 and 6794 of 2023**

Kalaiyarasan

... Petitioner

vs.

1.M/s.Shri Ram City Union Finance Limited,
Rep through its Manager
Having Registered office at Door No.5
1st Floor, Madurai main road
Axis bank Upstairs
Virudhunagar 626 001.

2.Karikalan

3.Arasi

4.Vineeth

5.Murugeswari

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India,
to struck off the impugned EP No.110 of 2022 in ACPTF No. 46 of
2016, pending on the file of the 1st Additional District Judge, Madurai.

For Petitioner : Ms.Priyanka for
Mr.R.Aravindan



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For R1 : Ms.Shivasree for
Mr.J.Barathan

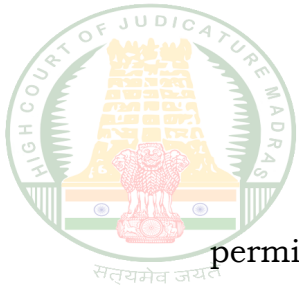
For R2 to R5 : No appearance

ORDER

This Civil Revision Petition challenges the presentation of EP No. 110 of 2022 in ACPTF No. 46 of 2016 on the file of the I Additional District Court, Madurai.

2.The Civil Revision Petitioner is the 4th judgment debtor. Though several pleas have been raised by Ms.Priyanka stating that the award passed by the Arbitrator is itself void, as it is a unilateral appointment and that the Civil Revision Petitioner is a non signatory to the award, I am not inclined to go into any of these issues, since as on today, no counter has been filed by the Civil Revision Petitioner before the Executing Court.

3.Exercise of Article 227 no doubt empowers this Court to probe into the question of jurisdiction. What is challenged before me is the Execution Petition. The jurisdiction of the Arbitrator, which is raised by the Civil Revision Petitioner, must be addressed by way of a counter before the Executing Court. If it is so raised and if it is



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permissible to the Executing Court to look into the same, I am sure that the Executing Judge will pass appropriate orders in the petition. I cannot convert a petition under Article 227 into one dealing with the objections on Execution raised by a judgment debtor.

4.With liberty to raise all the objections that the judgement debtor seeks to raise in this petition before the Executing Court, this Civil Revision Petition stands dismissed. I have to add, I have not gone into the merits of the objections. It is for the Executing Court to decide on the pleas raised. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

12.03.2026

mm

To

The I Additional District Judge, Madurai.



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V. LAKSHMINARAYANAN, J.

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