

IN THE COURT OF PRINCIPAL SUBORDINATE JUDGE, TIRUNELVELI.

Present: **Thiru.T.Rajakumar. , M.A., L.L.M,**

Principal Sub Judge, Tirunelveli.

Thiruvalluvar Andu 2057, Parabava Tamil year, Aadi Tamil month 19th day

Tuesday, the 04th day of August 2026

E.P. No 104/2026

in

M.C.O.P Number 1679/2022

(CNR Number TNTL 05 000456 2026)

Sundari

.. Petitioner/ Claimant

/Vs/

1. The New India Assurance Company Limited,
Neyyoor.

2. The New India Assurance Company Limited,
Tirunelveli.-2

... Respondents / 2, 3 Respondents

The petition filed by the petitioner against the 1st respondent coming this day on 04.08.2026 before me for final hearing in the presence of Thiru.T.Kamaraj, Advocate for the petitioner and Thiru.T.Dinesh selvakumar, Advocate for the 1, 2 respondents and upon perusal of case records this court delivers the following...

ORDER

1) This is the execution petition filed by claimant against the 1st respondent to attach the movables of New India Assurance company, Divisional office, Palayamkottai under order 21 Rule 43. 66 of Civil procedure code.

2) As per the order dated 17.12.2025 of this court, this execution petition has been field by the claimant to realize Rs.5,39,779/- with cost of Rs.18,921/- .

3) The Tribunal has allowed the claim petition in M.C.O.P. Number 1679/2022 against the 1st respondent here in.

4) There is no decree against the 2nd respondent here in. The 2nd respondent is having no liability to satisfy the award of tribunal. But this execution petition has been filed against the 1st respondent to attach the movable properties which are kept in the divisional office of New India Assurance Company.

5) It is settled position that, no decree can be executed against the person who are having no liability to comply such decree.

6) Since the divisional office of New India Assurance company is having no liability to satisfy the Award/ decree this execution petition is not maintainable before this court. So this court is lacks of territorial jurisdiction to try this execution petition. The correct procedure is that after getting transmit order from the tribunal, the claimant can file the execution petition before the sub court having territorial jurisdiction in respect of Neyyoor.

7) So this court is going to pass an order as follows.

8) Result.

In the result, this execution petition is returned on the ground of lack of territorial jurisdiction. The claimant can file transmit Execution Application before the tribunal and after the transmit of award, the claimant can file execution petition before the court having territorial jurisdiction in respect of 2nd respondent of main O.P.. There shall be no order as to the cost of petition.

Directly dictated to the Steno-Typist and typed by her directly on the computer, corrected and pronounced by me in the open Court, this the 04th day of August 2026

Principal Sub Judge,
Tirunelveli.

Both side witness, Exhibits : Nil

(RAJA KUMAR T.)
Principal Sub Judge
Tirunelveli

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**Principal Sub Court,
Tirunelveli**
EP No. 104/2026
in
M.C.O.P No. 1679/2022
date: 04.08.2026
Draft / Fair Order