

In this case, the Decree Holder and Judgment Debtor as a Plaintiff and Defendant in O.S.No.42/2017 filed compromise petition by settling the matter for Rs.30,00,000/- and out of the settlement amount, the Judgment Debtor has paid only Rs.20,50,000/-. The Judgment Debtor has failed to pay two installment amount of Rs.9,50,000/- to the Decree Holder.

Therefore, the Decree Holder has filed this Execution Petition to recover the said principle amount of Rs.9,50,000/- with interest. The Judgment Debtor having filed compromise petition in O.S.No.42/2017, failed to obey the terms of the said compromise petition. This is a glaring example of abuse of process of the court. Therefore, arrest warrant has to be issued to the Judgment Debtor to recover the said principle amount first and thereafter the interest will be calculated. The objections filed by the Judgment Debtor cannot be accepted at this stage without he paying the principle agreed amount. Hence, I pass the following:

Ex.35/2023

ORDER

Issue Arrest warrant against the
Judgment Debtor.

Returnable by **09.02.2024.**

(SHUBHA)
**Senior Civil Judge & JMFC,
Channapatna.dt.17.01.2024**