

**IN THE COURT OF JUDGE, COMMERCIAL COURT
(DISTRICT JUDGE CADRE), COIMBATORE**

Present: **Thiru. K.Hariharan, M.L.,**
Judge,
Commercial Court (District Judge Cadre),
Coimbatore.

Friday, the 19th day of June, 2026

E.P.No.7 of 2026
(CNR No.TNCB22-000082-2026)

Mr. Jayaraj,

S/o V.N.Govindarajalu,

.... Petitioner / Decree Holder

$$\| \mathbf{V}_s \|$$

1. Mr. R.Ramesh,

S/o Late Radhakrishnan,

2. Mr. R.Mohankumar,

S/o Late Radhakrishnan

.... Respondents / Judgment debtor

This petition came up for final hearing before me on 02.06.2026 in the presence of M/s. Ramani & Shankar, Advocates for the petitioner / decree holder and Mr. K.Dharani kumar, Advocate for the respondents / judgment debtors and upon perusing the records and hearing both sides and having stood over for consideration till this date, this Court passes the following:-

ORDER

The petition has been filed by the the petitioner / decree holder seeking to attach and sell the petition mentioned property to realize the outstanding decretal amount passed in C.O.S.No.24 of 2025 under Order XXI Rule 66 of C.P.C.

2. The petition averments which are found essential for the disposal of the petition is that:-

The petitioner is the plaintiff. The petitioner has filed the suit in C.O.S.No.24 of 2025 against the respondents / defendants. The suit was decreed on 28.11.2025. The decree was passed on settlement entered between the parties. The decretal amount was Rs.1,85,00,000/- and the agreed interest to be paid as per decree is 2% per month for the period from 01.04.2025 to 22.01.2026. The total interest component of the outstanding principal amount was Rs.36,01,333/-. In total a sum of Rs.2,21,01,333/- is the amount due from the respondents / judgments debtors to the petitioner / decree holder. Since the said outstanding amount is not paid by the respondents / judgment debtors to the petitioner / decree holder, the petition has been filed by the petitioner / decree holder seeking to attach and sell the petition mentioned property belongs to the respondents and sought for to allow the petition.

3. By denying the petition averments the respondents / judgment debtors have filed the counter. The sum and substance of the counter statement averments which are found essential for the Disposal of the petition is that:-

The respondents / judgment debtors admit the decree. It is admitted fact that the decree has not been challenged before the Hon'ble appellate Forums and the decree has also attained finality. It is the submission of the respondents in the

counter that the default was not deliberate or intentional but due to the circumstances beyond the control of the respondents and the respondents has also agreed the passing of settlement decree and also agreed the terms of settlement and now in the counter has submitted that they are ready to make the payment in installments and sought for to dismiss the petition.

4. Point for consideration:-

Whether the petition could be allowed?

Point:-

5. This petition has been filed by the petitioner / decree holder against the respondents / judgment debtors seeking for attachment and sale of petition mentioned property. It is admitted fact that against the decree passed by this Court on the basis of settlement arrived between the parties no appeal have been preferred by the parties. Under the above circumstances as per the settlement the respondents / judgment debtors have not settled the outstanding due to the petitioner / decree holder. Hence the present petition for execution have been preferred by the petitioner / decree holder. It is admitted fact that the petition mentioned property belongs to the respondents / judgment debtors and the property already have been mortgaged to the petitioner. The encumbrance certificate of the property also has been filed before this Court which also reflects that the property mortgaged in favour of the petitioner / decree holder. Under the

above circumstances though statutory charge have been created, attachment of property could be made to enable the process of sale.

**6. In the result the petition is allowed. For filing of attachment
batta, Call on 29.06.2026.**

Dictated to the Steno-Typist, computerized by him directly, Corrected and
Pronounced by me, on the **19th day of June 2026.**

Judge,
Commercial Court,
(District Judge Cadre)
Coimbatore