

### **Orders**

Decree holder has filed this execution petition against the judgment debtors to execute the arbitration award dated 27.05.2019 for recovery of a sum of Rs.10,80,784/-.

Though on receipt of cause notice the judgment debtor No.1 appeared through his counsel, inspite of giving sufficient opportunities to him, he has not filed his objections. Hence, this court was pleased to take the objections of the judgment debtor No.1 as not filed. Though the cause notice issued to the judgment No.2 was served to him, he has failed to appear before the court. This Court was pleased to issue arrest notice to the judgment debtor No.1. Though the arrest notice issued to the judgment debtor No.1 was served to him, he has neither appeared before the court nor paid the award amount to the decree holder. Hence, the matter was posted for enquiry regarding the means of judgment debtor No.1.

In order to prove the means of the judgment debtor No.1 , the retainer advocate and general power of attorney of the decree holder has been examined as PW1. In his affidavit by way of examination-in-chief, the PW1 has clearly sworn to the fact that the judgment debtors are having sufficient income to satisfy the award under execution and they have intentionally delaying the execution of the decree. Since the judgment debtors were absent and there was no representation on behalf of the judgment debtors, this Court was pleased to take the cross examination of PW1 by the judgment debtors and evidence of the judgment debtors as nil.

That on perusal of the entire materials on record, at this stage it appears that the judgment debtor No.1 is having sufficient means to satisfy the award and he has intentionally delaying the execution of the decree. Hence, issue arrest warrant against the judgment debtor No.1 subject to the payment of subsistence allowance by 09.10.2023.

Sd/-

Senior Civil Judge  
& Prl. J.M.F.C., Kumta.