

IN THE COURT OF THE MUNSIFF, PERUMBAVOOR

Present:- Smt. Sumey Chandran, Civil Judge (Junior Division)

Monday the 14th day of July, 2025/ 23rd Ashadha, 1947.

E.A. 55/2025

in

E.P.No. 133/2020

in

O.S. No.4145/2017

Decree Holders:-

- 1 Jacob Mathew, S/o. Mangalath Mathukutti,
Mazhuvannoor Kara, Airapuram Village,
Kunnathunad Taluk.
- 2 Ambily T.Chacko, W/o. Jacob Mathew,
Mazhuvannoor Kara, Airapuram Village,
Kunnathunad Taluk.

By Adv. G. Santhoshkumar

Judgment Debtors

Sharewelath Chitts Ltd Reg. office at Chochin Devaswam
Board Sivasakthi Building, North Swaraj Round, Trissur Desam,
Thrissur Village, Thrissur Taluk Rep by its present Managing
Director, V T George, Aged 58 years, S/o. Vazhappilly Thomas,
Olikkara Desam, Pullazhy Village, Thrissur Taluk

By Adv. Jofy Francis & K.A. Shemeer

This Petition having been finally heard before me on 14/07/2025 and the court on the same day passed the following:-

O R D E R

1. This is a petition filed under Section 151 of the Code of Civil Procedure, 1908 (hereinafter referred to as “the Code”) seeking rejection of the Execution Petition No. 133/2020 on the ground that the decree holder has initiated simultaneous execution proceedings before more than one Court.

2. The petitioner contends that the Execution Petition pending before this Court is not maintainable, as another execution petition in respect of the very same decree namely, E.P. No. 5/2023 is pending adjudication before the Munsiff's Court, Kolenchery. According to the petitioner, the law does not permit simultaneous execution of the same decree in different courts and the present petition is filed only to harass the judgment debtors.
3. The respondents, on the other hand, submit that the decree was lawfully transferred from the Munsiff's Court, Thrissur, for execution under Order XXI Rule 6 of the Code. It is further contended that the decree holder has obtained as many as 20 decrees against the petitioners, who jointly owe a total sum of ₹5.45 Crores. The petitioners have repeatedly delayed the execution proceedings under the pretext of seeking settlement. The respondents further rely upon Order XXI Rule 30 to contend that simultaneous execution against the person and property of the judgment debtor is legally permissible.
4. The point that arises for determination is:- “Whether simultaneous execution of the same decree before two different Courts is permissible under the Code of Civil Procedure?”
5. I have heard the learned counsel for both sides and perused the record.
6. **The point:-** At the outset, it must be noted that Order XXI Rule 30 of the Code permits the decree holder to execute a money decree by arrest and detention of the judgment debtor, or by attachment and sale of his property, or by both. Rule 21 provides that the Court may, in its discretion, refuse simultaneous execution through both modes, based on the facts of each case.

7. It is now well-settled that simultaneous execution through both arrest and property attachment is legally permissible, and the Court retains discretion to allow or refuse such dual execution. **[See Abdurahman M. v. Payyannur Urban Co-operative Society Ltd., 2024 (5) KHC 479].**
8. The petitioner argues that simultaneous execution before two distinct courts is impermissible. However, the law makes a clear distinction between execution through multiple modes and execution before multiple courts. Where jurisdictional grounds permit, nothing in the Code expressly prohibits such parallel execution, provided the decree holder complies with the procedure for transfer of decrees under Order XXI Rules 5 and 6.
9. It is not in dispute that the decree was duly transferred by the Munsiff's Court, Thrissur, to both Kolenchery and Perumbavoor Courts in accordance with the prescribed procedure. No irregularity in the transfer orders has been established. The judgment debtor has not challenged the legality of such transfer before the transferring Court.
10. The discretionary bar under Rule 21 applies to simultaneous execution by the same court. It does not preclude different courts, vested with jurisdiction upon valid transfer, from entertaining different modes of execution particularly where the decree holder seeks to proceed concurrently against the person and the property of the judgment debtor.
11. In the present case, no prejudice has been demonstrated to have been caused to the petitioners by the pendency of two execution petitions. Mere pendency of two petitions, in itself, does not amount to legal harassment, particularly when large sums remain due under several decrees.

12. In the facts and circumstances of this case, where the judgment debtor is admittedly liable under multiple decrees and has engaged in prolonged delay, no case for rejection of the execution petition is made out.
13. **In the result:-** E.A. No. 55/2025 is dismissed. The Execution Petition shall proceed in accordance with law.

Dictated to the confdl.asstt., transcribed and typed by her, corrected and pronounced by me in open court on this the 14th day of July, 2025.

Sd/-
Sumey Chandran,
Civil Judge (Junior Division)

Appendix:- Nil

Id/-
Civil Judge (Junior Division)
(By Order)

// True Copy //

Junior Superintendent

Typed by : kmb
Compd.by :PKS

Copy of Order in
E.A.No.55/2025
E.P.No.133/2020 in
O.S.No. 4145/2017
Dated: 14.07.2025