

IN THE COURT OF THE MUNSIFF OF CHAVAKKAD

PRESENT:- Sri. Aravind S. J., Munsiff

Thursday, the 11th day of June, 2026/21st Jyeshtam 1948 SEE.P.10/2023 in O.S 1026/2019Decree Holder/Plaintiff:-

Engandiyur Chities Private Limited, Represented by Chairman, Engandiyur
Village, Desom, Chavakkad Taluk

(By Adv. Sudeesh K. Menon)

Judgment Debtor/ Defendant:-

Soman, Aged 58 years, S/o. Krishnan, Vathatt House, Thalikkulam Village,
Edasserry Desom, Chavakkad Taluk

(By Adv. Sruthi Chandran)

Under Sections: Order 21 Rule 11 of Civil Procedure Code

ORDER

The E.P. is filed for realization of the decree amount by the arrest and detention of the Judgment debtor in civil prison. The Judgment debtor had entered appearance and had filed objection contending that he is a cancer patient. He had also filed affidavit stating that he is a cancer patient from 2008 and that his lower jaw and a portion of his tongue were removed. He had also produced medical certificates in that regard. The fact that the Judgment debtor is a cancer patient and that he is regularly undergoing treatment is not disputed by the decree holder also. In such circumstances, issuance of warrant for the arrest and detention of the Judgment debtor after inquiry under Order 21 Rule 40 would only be a futile exercise.

Therefore I am of the opinion that the present E.P can be dismissed without prejudice to the right of the decree holder to realize the decree debt through other modes of execution or under Order 21 Rule 37 itself, if and when, the Judgment debtor recovers from his illness.

(Pronounced by me open court on this the 11th day of June, 2026.)

Sd/-
Aravind S. J
Munsiff, Chavakkad.

A P P E N D I X: NIL

Id/-
Munsiff, Chavakkad

kvp
//True Copy//

Munsiff, Chavakkad

