

IN THE COURT OF MUNSIFF COURT, CHAVAKKAD

Present: Sri. Aravind S.J., Munsiff, Chavakkad

Thursday the 11th day of June 2026/21st Jyeshtham 1948

EP 11/2023 in O.S. 1024/2016

Decree Holder/Petitioner:-

Engandiyur Chities Private Limited, Represented by Chairman,

Engandiyur Village, Desom, Chavakkad Taluk.

(By Adv. Sudheesh.K. Menon)

Judgment Debtor/Respondent:-

Soman, Aged 58 Yrs, S/o Vathatt Krishnan, Thalikkulam Village, Edassery

Desom, Chavakkad Taluk.

(By Adv. Sruthy Chandran)

Under Sections: Order 21, Rule 11 of CODE OF CIVIL PROCEDURE

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.

dt. 11.6.2026

Therefore I am of the opinion that the present EP 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 in 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.

/// True copy ///

Munsiff, Chavakkad.

