

IN THE COURT OF THE MUNSIFF, KODUNGALLUR.
Present:- Smt.Karthika.K, Munsiff.
Saturday, the 3rd day of January, 2026/13th Pousham, 1947 SE

E.P.681/2024 In O.S.1084/2015

Decree Holder

Ampuchiya Chitties (P) LTD, Irinjalakuda Town
Manavalassery Village, Mukundapuram Taluk,
Represented by Chairman, Sivaraman, Aged 63
S/o. Athikkavil Sankaran, Porathissery Village,
Karuvannoor Desom, Mukundapuram Taluk.

By Adv.M.D.Denash

Judgment Debtors

1. Shijumon, S/o.Kizhakkedath Sadanandan
Perinjanam Village & Desom, Kodungallur Taluk.
2. Sadanandan, S/o. Kizhakkedath Kunjiparutha,
Perinjanam Village & Desom, Kodungallur Taluk.
3. Saraswathy, W/o. Kizhakkedath Sadanandan,
Perinjanam Village & Desom, Kodungallur Taluk.

This petition coming on this day for hearing before me, the court on the same day passed the following:

ORDER

This is a petition filed under Order 21 Rule 10 & 11 of CPC for execution of decree by arrest and detention of judgment debtor No.1.

2. The suit was for realisation of money. The suit was decreed on 22.11.2016. The amount to be realised on the date of execution proceedings is Rs.1,51,675/-. Later on, decree holder filed this EP alleging that, Judgment debtor No.1 has sufficient

means to pay the decree debt, but he is willfully omitting to pay the same.

3. In this case Rule 37 notice was served to the Judgment debtor No.1. Rule 22 & Rule 43 notice was served to judgment debtors 2 & 3. Judgment debtors 1 to 3 appeared. They filed counter stating that the judgment debtor No.2 is old and suffering from cancer and he is unable to do any work and has no income. The 2nd and 3rd judgment debtors are dependent on their children. The warrant issued against the judgment debtor No.2 has been withdrawn by the Hon'ble Court in another execution petition. Hence the petition may be dismissed.

4. No evidence was adduced from the side of judgment debtor. Heard both sides.

5. The Chairman of decree holder institution was examined as PW1 and he filed proof affidavit. In the proof affidavit he stated that judgment debtor No.1 is conducting mobile shop and he is deriving an amount of Rs.50,000/- per month from the said shop. But during cross examination PW1 stated that the judgment debtor No.1 is deriving an income of Rs.9,00,000/- per month from the mobile shop. But he did not produce any document to prove the same. But PW1 stated that he has gone and seen it directly. PW1 stated that the kuri amount was received in the year 2009 and the case was filed in the year 2015. During cross examination PW1

stated that it is not true that the affidavit filed by him is lacks accuracy and clarity and it is also not true that after concealing the payment of decree debt of Rs.5000/- by the judgment debtor on 22.3.2025 the decree holder filed this affidavit. During cross examination PW1 stated that this case is filed in the year 2015 and it has been 10 years now .Hence it can only be concluded that the judgment debtor No.1 has sufficient means to pay the decree amount and he bound to pay the decree amount. Since I am satisfied that judgment debtor No.1 has sufficient means to pay the decree amount and he is willfully disobeying the execution of decree passed against him he is ordered to be detained in civil prison for one month.

In the result, the E.P is allowed. Judgment debtor No.1 is ordered to be detained in civil prison for one month for willful non payment of the decree debt.

Dictated to the Confdl.Asst., transcribed by her, corrected by me and pronounced in open court on this the 3rd day of January, 2026.

Sd/-
KARTHIKA.K.,
MUNSIFF

Appendix

Petitioner's Witness

PW1-Dt.19.08.2025

-Sivaraman

Id/-
MUNSIFF

Copied by:KS
compared by:

//True copy//

(By order)

Junior Superintendent