

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.741/2024 In O.S.1859/2011**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 debtors 1 & 2.

2. The suit was for realisation of money. The suit was decreed on 6.8.2012. The amount to be realised on the date of execution proceedings is Rs.1,33,974/-. Later on, decree holder

filed this EP alleging that, Judgment debtors 1 & 2 have sufficient means to pay the decree debt, but they are willfully omitting to pay the same.

3. In this case Rule 37 notice was served to the Judgment debtors 1 & 2. Judgment debtors 1 & 2 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 judgment debtor is a dependent on his 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 The warrant issued against the judgment debtor No.2 has been withdrawn by the Hon'ble Court in another execution petition.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 conducting the mobile shop but he is not aware of the name of the mobile shop. But he did not produce any document to prove the same. During cross examination PW1 stated that the affidavit filed by him lacks accuracy and clarity is not true. The judgment debtor No.2 is 80 years old and he is a cancer patient. PW1 stated

that this case is filed in the year 2011. PW1 also stated that the decree debt has not paid so far. PW1 stated that the judgment debtor has no means to pay the decree debt is not true. 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.18.08.2025

Sivaraman

Id/-

MUNSIFF
(By order)

//True copy//

Copied by:KS
compared by:

Junior Superintendent