

IN THE XXVII ASSISTANT CITY CIVIL COURT, CHENNAI

Present : Thiru. S. SIVASUBRAMANIAN, B.COM., B.L.,

XXVII Assistant Judge,

Wednesday, this the 16th day of August 2023

E.P.No. 1818/2018

in

CNR NO. TNCH01-007653-2018

in

ARB. No. 108/2016

M/s. Shriram Transport Finance Co. Ltd.,

Rep. by its Authorized Signatory Mr. S. Varadhan.

...Petitioner/Decree Holder

Vs

1. G. Gopinath (JD1)

2. S. Shankar (JD2)

....Respondents/Judgment Debtors

This Petition is coming on 16.08.2023 for final hearing before me, in the presence of M/s. S. Kamaraj, K. Sendurpandi and K.M.M.K. Mannan Counsel for the Decree Holder and The Judgment Debtor 1 and 2 remained set exparte on 28.02.2019 and upon perusing the entire records and having stood over for consideration till this day, this court delivered the following:

ORDER

This Petition has been filed under Order XXI Rule 43 & 64 of CPC by the petitioner/Decree Holder seeking for execution of award to attach and sale of the movable properties of Judgment Debtor 1 & 2 in pursuance of an arbitration award passed in ARB. No. 108/2016, Dated on 19.03.2016.

Decree Holder called absent. No representation. On perusal of records, it appears that, this Execution Petition was allowed on 08.07.2019. Further it appears that the warrant unexecuted as JD1 Vacated for the Hearing date on 26.10.2022. Hence, decree holder was directed to take steps to amend the address of JD1 since the EP for Attachment of Movables. This Execution Petition is pending from 09.06.2023 to till this day 16.08.2023 for steps to break open against JD2 without any progress. In spite of sufficient time granted, Decree Holder fails to take steps to amend the address of JD1 and Steps to break open against JD2. It shows that Decree Holder is not interested to pursue the matter further. This EP is pending without any progress. Hence, this Execution petition is dismissed for default. No costs.

Dictated to typist, computerized by him, corrected and pronounced by me in the open court, this the 16th day of August 2023.

S/d. S. Sivasubramanian
XXVII Assistant Judge
XXVII Assistant City Civil Court,
Chennai-600 003.

Draft/Fair Order

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in

ARB. No. 108/2016

Date: 16.08.2023

XXVII Assistant Court,
Chennai.