

IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
ARIYALUR.

PRESENT: Tmt.K.S.Jayamangalam,M.L.,

Principal District Judge,

Ariyalur.

Tuesday, this the 1st day of September 2026

2057 Thiruvalluvar Aandu, Parabava Varudam Aavani Thingal 15

EP No.17/2026 in Arb. No.373/2018

Mrs. Shriram Finance Ltd.,

represented by its Authorized

signatory Mr. M. Kumar

No.6, CUB Bank Upstairs

Mela Agraharam

Ariyalur

(Formerly known as Shriam Transport

Finance Co-Ltd.,

}

... Petitioner /Decree Holder

/Vs/

1. Elangovan, (57/2026)

S/o. Ramasamy

No.4/18, Mullukurichi Village

Alathiyur Post

Sendurai Taluk

Ariyalur District

Pin – 621 714.

2. Prabhu, age 45/2026,

S/o. Asaithambi

No.4-12F, Puthupalayam Village

Aadhakurichi Post

Sendurai Taluk
 Ariyalur District
 Sendurai Taluk
 Ariyalur District
 Pin – 621 714.

... Respondents/
 Judgment Debtors

This petition coming on 27.08.2026 for final hearing before me in the presence of Thiru.S. Thilagavathi, Counsel appearing for the Petitioner and of the Respondents are called absent set-exparte, and upon hearing the arguments of petitioner and upon perusing the records having been stood over till this day for consideration, and this Court delivered the following:

ORDER

The petitioner is the decree holder filed this petition under Order 21 Rule 11(2) of CPC to issue notice to the respondents and realise the decree amount from them failing which put them in Civil Prison under Order 21 Rule 38 of CPC for realizing the decree amount from them.

2. Brief averments of petition is as follows

The petitioner is the decree holder filed Arbitration OP No.373/2018 against the respondents/Judgment debtors and obtained the award for a sum of Rs.14,43,748/-. The petitioner obtained the award on 30.09.2019. Even after passing the said award neither the respondents come forward to repay the award amount nor the interest. Hence the present petition has been filed.

3. Even after receiving the notice the respondents failed to appear before this court. Hence they were set-exparte on 09.06.2026.

4. The petitioner is the decree holder filed this Execution petition based on the award passed in ACP NO.373/2018, dated 30.09.2019. The petitioner is a Finance Company, from them the 1st respondent obtained loan for a sum of Rs.15,61,293/- to purchase a vehicle bearing registration No. TN 30 AK 8714 and agreed to repay the same in 48 equal monthly installments. The 1st respondent executed an hypothecation agreement and agreed to pay the interest as per the agreement on 18.11.2014. For the said loan the 2nd respondent stood as a guarantor. After receiving the said loan amount the respondents neither come forward to pay the principal amount nor the interest. Hence the petitioner issued a demand notice to repay the loan amount. Despite receiving the said notice the respondents failed to clear the dues. Hence the petitioner sold the vehicle after following the due procedure for a sum of Rs.4,75,000/- . Even after conducting the auction and sold the vehicle which was hypothecated in favour of the petitioner company, still there was a balance of Rs.14,43,748/- to be paid by the respondents as on 12.03.2018 with interest. The respondents engaged counsel before the sole arbitrator on the side of the 1st respondent, thereafter he failed to file his counter. Hence he was set exparte. On the side of the 2nd respondent no one had appeared, hence he was also set exparte. After conducting the enquiry the sole arbitrator passed an award directing the respondents/ judgment debtors to pay a sum of Rs.14,34,748- with interest at the rate of 18% per annum from the date of filing the claim petition. Though the award came to be passed on 13.09.2019 neither the 1st respondent nor the 2nd respondent come forward to settle the amount. Hence the petitioner filed the present execution petition.

5. On the side of the petitioner/decrece holder he has filed the means affidavit stating that the 1st respondent is working as a driver -cum- broker through which he

is getting Rs.50,000/- per month. The 1st respondent did not pay the EP amount in order to cheat the petitioner/deGREE holder. Hence he has to be sent to civil prison.

6. After filing the means affidavit the respondents have neither appeared before this court nor filed their counter. The respondents remained exparte. The respondents have not denied or disputed the averments made in the petition. Hence the claim made by the petitioner. According to the petitioner the 1st respondent has sufficient means to pay the decree amount. The petitioner has not whispered anything about the financial capacity of the 2nd respondent. The 2nd respondent stood as a guarantor for the 1st respondent knowing fully well about his legal liability to pay the decree amount. The court notice set to the respondents were duly received by them, further they have not chosen to appear before this court. In view of the above discussion this petition is liable to be allowed and the respondents/judgment debtors are ordered to be arrested and put them in civil prison for realising the decree amount.

In the result, this petition is allowed, the respondents/judgment debtors are ordered to be arrested and put them in civil prison. Batta in three days. Arrest by 22.09.2026

Dictated by me to the Steno-typist and transcribed and typed by her and corrected and pronounced by me in open Court this the 1st day of September 2026.

**Principal District Judge,
Ariyalur.**