

IN THE COURT OF SUBORDINATE JUDGE, MADURANTAKAM.

**Present: Mr. T. GANESH, B.A., B.L.,
Subordinate Judge,
Madurantakam.**

**Monday, this 19th day of January, 2026
E.P No. 17/2021
in
O.S No. 36/2013
(CNR.No.TNCG13 – 000496-2021)**

1. Venkatapathy (Died)
2. Athikesavan
3. Mohanarangan
4. Suguna
5. Thulasi
6. Minor. Mohanasri
7. Minor. Rokeeth

Minors are repled, by their
Mother and Guardian Thulasi.

(Petitioners 2 to 7 are recognized and impleaded
as per order in E.A No. 2/2024, Dated: 17.10.2024
and Amended as per order in E.A No. 1/2025,
Dated: 11.07.2025)

...Petitioners/Decree Holders

// Vs //

Sarathbabu

...Respondent/Judgment Debtor

This petition coming before me on 06.01.2026 for final hearing in the presence of M/s. K.Ayyasamy, S.Senthilkumaran, S.Jothi and V.Mohanraj, counsels for the Petitioners/Decree Holders and M/s.M.Velmurugan, R.Santhanam and S.Vinoth, counsels for Respondent/Judgment Debtor and subsequently Respondent/Judgment Debtor was called absent and set exparte and upon hearing arguments on the side of

petitioner and having stood over for consideration till this day, this court delivers the following:-

ORDER

The petitioners have filed this petition under Order XXI Rule 54 & 66 of the Civil Procedure Code praying for an order to Attachment of the schedule mentioned property of the respondent/judgment debtor and bring them for auction sale and adjust the sale amount to realize the E.P amount of Rs.5,06,773/- with subsequent interest.

2. Amended Petition in brief:

The 1st petitioner obtained a decree for recovery of amount as against the respondent. In spite the respondent failed to oblige the order. Pending petition the 1st petitioner died leaving behind the petitioners 2 to 6 as his legal heirs and hence they are impleaded as party to the petition. Hence the petitioners file this petition for realization of sum of Rs.5,06,773/- against the respondent by way of attachment of petition mentioned properties and sale of the same.

3. Though the Respondent/Judgment Debtor entered appearance through his counsel, he failed to file counter and hence he was called absent and set exparte.
4. No oral or documentary evidence adduced by Petitioners/Decree Holder.
5. Heard the petitioners and perused the records carefully.

6. Point:

“Whether this petition can be allowed or not?”

The present Execution Petition has been filed under Order XXI Rules 54 and 66 of the Code of Civil Procedure seeking attachment and sale of the schedule-mentioned immovable property belonging to the respondent/judgment debtor for realization of a sum of Rs.5,06,773/- together with subsequent interest. The petitioner has averred that this court has passed a decree in his favour and that despite the same, the respondent/judgment debtor has failed to oblige the order of the court, thereby necessitating the filing of the present execution proceeding.

It is seen from the records that the respondent/judgment debtor, though served and having entered appearance through counsel, has not chosen to file any counter or objections to the execution petition. Sufficient opportunities were granted; however, there has been no compliance. Consequently, the respondent/judgment debtor was set ex parte. In the absence of any denial or rebuttal, the averments made in the execution petition remain uncontroverted.

The petitioner has produced the relevant materials to establish the existence of a valid and enforceable decree and the subsisting liability of the respondent/judgment debtor. The petitioner has also specifically described the immovable property sought to be attached, which is stated to belong to the respondent/judgment debtor. There is nothing on record to show that the decree amount has been paid or that any legal impediment exists for proceeding with execution.

In these circumstances, this Court is satisfied that the petitioner has made out a prima facie case for attachment of the schedule-mentioned property under Order XXI Rule 54 CPC and for taking further steps for sale in accordance with Order XXI Rule 66 CPC, for the purpose of realizing the decree amount. Hence, the execution petition deserves to be allowed and this point is decided according to law.

7. Result:-

In the result petition is allowed with costs. Attach the petition mentioned properties by 19.02.2026. Batta in 3 days.

Dictated to the Steno Typist directly, typed by him, corrected and pronounced by me in open court this the 19th day of January, 2026.

Subordinate Judge,
Madurantakam

Both sides witnesses and documents:- Nil

Subordinate Judge,
Madurantakam.

DRAFT ORDER
E.P No. 17/2021
in
O.S No. 36/2013
D.O.D. 19.01.2026
SUBORDINATE JUDGE,
MADURANTAKAM