

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, DINDIGUL.

PRESENT : Thiru. P. Saravanan, B.L.,

ADDITIONAL DISTRICT JUDGE, DINDIGUL.

Tuesday, the 19st Day of April 2022

E.P. No.105/2018

A.P. No.396/2017

P. Balamoorthy ... **Petitioner/Claimant/Decree Holder**

–Vs–

K. Palanivel ... **Respondent/Opposite Party/
Judgement Debtor**

This petition came up on 19.04.2022 before me for final hearing in the presence of Thiru. P. Ganesan, Advocate for the petitioner and of Thiru. P. Velumani, Advocate for the respondent and after having heard the arguments of both side and on perusal of records this Court delivers the following :

ORDER

Petition filed Under Order 21 Rules 11, 54 and 66 of C.P.C., directing the respondent/Judgement Debtor to attach the petition mentioned immovable properties

belonging to the respondent and for sale of the same as per the award, passed in A.P. No.396/2017 on 16.09.2017.

Since Arbitration Award amount not settled by the respondent/Judgement debtor, decree holder filed the above E.P., Under order 21 rule 54 and 66 C.P.C., to attach and sell the petition mentioned properties.

The respondent filed a counter by stating that, it is an exparte award, and the arbitration award is a fraudulent one. Pending E.P., respondent filed Section 47 application which was rejected by this court on 07.11.2020. Thereafter, on an application, additional counter received in the E.P., In the additional counter, the respondent has stated that, item No.10, S.No.652/1, out of 1.51 Acres the respondent sold 1 acre 14 cents on 19.03.2015. For 1 Acre 14 cents, the respondent has no saleable interest. Except that there is no force in the counter. To prove the alienation, document not filed. In the E.P., totally 12 items of properties shown in the schedule of properties. As on today, arbitration award is in force and the arbitration award amount was not settled by the respondent. Hence, petition mentioned properties are ordered to attach. Attach by 14.06.2022. Batta in three days. Call on 14.06.2022.

This Order is dictated to my Steno–Typist directly and typed by her in the computer, Printed in the Printer, corrected and pronounced by me in the open court, on this the 19th day of April 2022.

Additional District Judge,
Dindigul.

**Additional District Court,
Dindigul.**

E.P. No.105/2018

ORDER : DRAFT/FAIR

Dated : 19.04.2022.