

IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE,
DINDIGUL.

PRESENT : **THIRU. A.K. MEHBUB ALI KHAN, B.L.M., LL.M.,**
PG.D.PM/IR.,

ADDITIONAL DISTRICT JUDGE, DINDIGUL.

Monday, the 30th Day of October 2023

E.P. No.190/2023

-in-

MCOP. No.966/2018

1.C.Karthick

2. .Palaniammal

... Petitioners/Decree Holders

-Vs-

P.Soundarapandian

... Repondent/ Judgment Debtor

This petition came on 11.10.2023 before me for final hearing in the presence of Tvl.V.Ramar and A.Gopalakrishnan, Advocates for the petitioners. Respondent called absent and set exparte and on perusal of records and evidence, this Court delivers the following :

ORDER

1. Execution Petition filed by the petitioners under Order 21 Rule 11(2) of C.P.C for arrest of the Judgment debtor and to realize the decree amount.

2. The petitioners/decreed holders have obtained a decretal order for payment of compensation of Rs.2,70,980/- with interest and cost against the respondent on 19.11.2020 by the M.A.C. Tribunal. Since the respondent did not pay the decree amount despite having sufficient means, the petitioners have filed this E.P. for arrest of the Judgment Debtor. The earlier E.P. NO.297/2022 filed by them for attachment of property was not pressed since the said property was already sold even before the decretal order. Hence, they have filed this Execution petition for arrest and pray to arrest and sentence the Judgment debtor to Civil Prison till the decretal amount is paid.

3. Point for consideration in this petition is, **Whether the petition be allowed ?**

4. The 1st petitioner himself was examined as P.W.1 and no document was marked by them.

5. Heard both sides.

6. **POINT :**

In support of the claim, the 1st petitioner/decreed holder was examined as P.W.1 and he has stated that the Judgment debtor has sufficient means to repay the decree amount, but he is not doing so wantonly so as to defeat the claim of the petitioner. Hence he has prayed for arrest of the Judgment/debtor.

7. The respondent has not contradicted the claim of the petitioners/decree holders by either filing the counter or even appearing before this Court. Hence this Court considers the claim of the petitioners/decree holders that the judgment/debtor willfully and wantonly avoids payment of the decretal amount in spite of having sufficient means stands proved. Hence it is held that the petition is maintainable and the judgment debtor be arrested and produced before this Court for sentencing him to Civil Prison. This point is answered accordingly.

In the result, this Execution Petition is allowed and the arrest of the judgment debtor is Ordered. Arrest by 16.11.2023. Batta in a week.

Dictated to the stenographer, transcribed and typed by her in computer, corrected and pronounced by me in the Open Court on this the 30th day of October 2023.

Additional District Judge,
Dindigul.

Annexure:

Petitioner side witness:

P.W.1 :: Thiru.C.Karthick.

Additional District Judge,
Dindigul.