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IN THE COURT OF THE PRINCIPAL SUB JUDGE, PALANI

**Present : Thiru. J. Jeya Suthahar, M. Sc., L.L.M.,
Principal Subordinate Judge, Palani.**

Dated this the 21st day of March 2024, Thursday

E.P.No.46/2023

in

O.S.No.291/2019

(CNR No. TNDG0-7000029-2023)

P.N.Vellaisamy

... Petitioner/Plaintiff

/Vs/

P. Deivanai

... Respondent/Defendant

This petition was came before me for final hearing on 28.02.2024 in the presence of Mr.P.Mahendran and Mr.B.Manoharan, learned Counsels for the Petitioner and the respondent being remained exparte, and upon hearing the arguments on the side of the petitioner and upon perusal of records and having stood over for consideration till this date, this court doth delivers the following:

ORDER

This petition is filed by the petitioner under Order 21 Rules 54 and 66 for attachment and sale of the petition schedule property belonging to the respondent in the court auction sale to realize the decree amount from the respondent.

2. The averments in the petition in brief as follows :

The petitioner has filed the suit in O.S.No. 291/2019 and obtained the decree on 14.07.2022 directing the respondent to pay a sum of Rs.3,00,000/- with

interest and costs. As per the decree the amount due to the petitioner from the respondent is Rs.5,33,000/-. The respondent did not come forward to pay the amount as per the decree to the petitioner. Hence the petition schedule property belonging to the respondent has to be attached and brought for auction sale to realize the decree amount from the respondent.

3. After service of notice to the respondent though she entered appearance through her counsel subsequently since she did not file counter statement she was set exparte.

4. In this petition no oral and documentary evidence is adduced on the side of the petitioner. As already stated the respondent remained exparte.

5. The point for decision in this petition is whether this petition deserves to be allowed or not ?

6. Point :

The petitioner has filed this petition to execute the decree passed in the above suit on 14.07.2022 by attachment and sale of the immovable property belonging to the respondent. According to the petitioner, the respondent did not come forward to pay the amount as per the decree to the petitioner and that hence he has filed this petition to execute the decree by attachment and sale of the petition schedule property belonging to the respondent in the court auction. The respondent is the competent person to deny the above petition. But she remained exparte. The

petitioner has filed the copy of EC for the property. It is seen that there is an entry in the EC that the respondent purchased the property on 16.11.2010. So it is seen that the property belongs to the respondent and there is impediment to proceed against the property. Hence considering the above facts and circumstances of this case this court is of the view that this petition deserves to be allowed.

7. In the result, this petition is allowed and the property scheduled in the petition is ordered to be attached for sale to realise the decree amount as prayed in the petition. For attachment by 26.06.2024. Batta in a week.

Dictated to the Steno-Typist directly and computerised by her, corrected and pronounced by me in the open Court, on this the 21st day of March 2024.

**Principal Sub Judge,
Palani.**

Petitioner side Witnesses and documents: Nil.

Respondent side witnesses and documents : Nil.

**Principal Sub Judge,
Palani.**

Principal Sub Court, Palani
E.P.No.46/2023
in
O.S.No.291/2019
Fair/Draft Order
Date : 21.03.2024