

IN THE COURT OF THE PRINCIPAL SUB JUDGE, PALANI

**Present : Tmt. K.Renugadevi, LL.M.,
Principal Subordinate Judge, Palani.**

Dated this the 4th day of March 2024, Tuesday

E.P.No.44/2020

in

O.S.No.268/2018

(CNR No. TNDG0-7000149-2020)

R. Rosy

... Petitioner

/Vs/

J.Bagyalakshmi

... Respondent/Defendant

This petition was came up before me for final hearing on 10.01.2025 in the presence of Mr.N.Ramachandran, learned Counsel for the Petitioner, 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 attach 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.268/2018 and obtained the decree on 24.04.2019 directing the respondent to pay a sum of Rs.1,68,950/- with interest and

costs. As per the decree the amount due to the petitioner from the respondents is Rs.1,95,259/-. The respondent did not come forward to pay the amount as per the decree to the petitioner. Hence the petition schedule property alleged to be belonging to the respondent sought to be brought for court auction sale to realize the decree amount from the respondent.

3. The respondent though received the summon did not turn up for appearance, hence he was set exparte.

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

5. **Point :**

The petitioner has filed this petition to execute the decree passed in O.S.No.268/2018 dated 24.04.2019 to attach and bringing the petition mentioned immovable property alleged to be the property of respondent for sale alleging that the respondent has not paid the decree amount as per decree. The petitioner who is seeking to attach the schedule property stating that the same is belonged to respondent is duty bound to establish before this court that the schedule property belong to the respondent. However inspite of direction of this court to produce title deed of the respondent the petitioner has not produced the title deed nor enlightened the court as to the right of the respondent in the suit schedule property.

6. On the other hand the petitioner has produced downloaded copy of extract from the Town Survey Land Register in respect of S.No.8/211 which shows that the possession of the schedule property is with the respondent as per Adangal (UDS details). And the encumbrance certificate produced by the petitioner does not show any entries neither the name of the respondent nor any other encumbrance. Considering the fact that the schedule property is in possession of the respondent this court inclined to attach the schedule property for realising the decree amount.

7. Hence considering the same this court inclined to attach the schedule property. Attach and test by 25.04.2025 (Test ordered for assessing the market value of the schedule property). Batta in 7 days.

In the result, this petition is allowed and ordered to attach the property and test by 25.04.2025 (Test ordered for assessing the market value of the schedule property). Batta in 7 days.

Dictated to the Steno-Typist directly and computerised by her, corrected and pronounced by me in the open Court, on this the 04th day of March 2025.

sd./K.Renugadevi,
**Principal Sub Judge,
Palani.**

Petitioner side Witnesses and documents: Nil.

Respondent side witnesses and documents : Nil.

sd./K.Renugadevi,
**Principal Sub Judge,
Palani.**

Principal Sub Court, Palani
E.P.No.44/2020
in
O.S.No.268/2018
Fair/Draft Order
Date : 04.03.2025