

IN THE COURT OF THE SUBORDINATE JUDGE, SATHYAMANGALAM.

PRESENT: Tmt.K.S.Shabeena, B.A., B.L.
Subordinate Judge, Sathyamangalam.

Monday, the 21st day of July 2025
(2056 Thiruvalluvarandu Visuvvasu varudam Aadi Thingal 05th day)

E.P. No. 106 of 2021
in
MCOP. No.23 of 2017

Vadivel

... Petitioner/Decree Holder

Vs.

1. Kanagaraj
2. Branch Manager,
The United India Insurance Company Limited,
Sathyamangalam.

... Respondent/Judgment Debtor

This Execution Petition was came up for hearing before me on 21.07.2025 in the presence of Thiru.V.C.Ajeethkumar, Advocate for the petitioner and the respondent has not appeared before this court and called absent set exparte on 04.06.2025 and upon hearing the arguments on petitioner side and having stood over for consideration till this day, this court delivering the following...

ORDER

1. This is an Execution Petition filed under Order XXI Rule 11 (2) of the Code of Civil Procedure by the Decree Holder seeking arrest and detention of the Judgment Debtor for non-satisfaction of the decree passed in MCOP.No.23 of 2017, dated 24.03.2020, whereby a decree for recovery of a sum of Rs.96,619/- along with interest and costs was passed in favour of the Decree Holder.

2. Notice under Order XXI Rule 37 CPC was duly served on the Judgment Debtor. However, the Judgment Debtor failed to appear before the Court and did not file any objections or show cause as to why he should not be committed to civil prison in execution of the decree and set exparte on 04.06.2025.

3. From the records and the affidavit filed in support of the EP, it is evident that the decree has attained finality, and no amount has been paid by the Judgment Debtor till date towards the decree debt. The JD has willfully neglected and refused to pay the decretal amount despite having sufficient means to do so.

4. The Decree Holder has filed proof of the Judgment Debtor's financial status and mesne, including documents showing the bank transactions, which establish prima facie that the Judgment Debtor is financially capable of satisfying the decree.

5. In the absence of any explanation or proof to the contrary by the Judgment Debtor, and considering his deliberate default, this Court is satisfied that the Judgment Debtor is liable to be arrested and detained in civil prison under Order XXI Rule 38 CPC.

6. It is also clear from the conduct of the Judgment Debtor that the non-payment is not due to poverty or inability, but a deliberate and contumacious act of disobedience of the decree of this Court.

7. In view of the above, it is ordered as follows:

8. ORDERED:

i) That a warrant of arrest be issued against the Judgment Debtor, Mr.Kanagaraj, under Order XXI Rule 38 CPC.

ii) The Judgment Debtor shall be produced before this Court on or before 22.09.2025, failing which he shall be detained in civil prison for a period not exceeding three (3) months or until the decree is satisfied, whichever is earlier.

Iii) The Decree Holder is directed to deposit the subsistence allowance as required under Section 58 (1A) of the CPC before execution of the warrant.

Dictated by me to the Steno typist, typed by her in the Computer directly, corrected and pronounced by me in open court on this the 21st day of July 2025.

Subordinate Judge,
Sathyamangalam.

Petitioner's side witnesses:

P.W.1. Thiru.Vadivel

Petitioner's side documents:

Nil

Respondent's side witnesses and documents:-

Nil

Subordinate Judge,
Sathyamangalam.