

IN THE COURT OF THE SUBORDINATE JUDGE, SATHYAMANGALAM.

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

Wednesday, the 22nd day of October 2025
(2056 Thiruvalluvarandu Visuvavasu varudam Iyppasi Thingal 05th day)

E.P. No.41 of 2022
in
Arb. Case.No.2627 of 2019

M/s. Shriram Transport Finance Company Ltd,
Represented by its Authorized
representative S.Natesan.

... Petitioner/Decree Holder

Vs.

1. L.Nantheesha
2. S.Guru

... Respondents/Judgment Debtors

This Execution Petition was came up for hearing before me on 22.10.2025 in the presence of Thiru.V.S.Avinashilingam, Advocate for the petitioner and Thiru.L.Bhuvaneshwaran, Advocate for the 1st respondent and the 2nd respondent have not appeared before this court and called absent set exparte 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 Debtors for non-satisfaction of the decree passed in Arb.Case.No.2627/2019, dated 29.03.2021,

whereby a decree for recovery of a sum of Rs.5,92,334/- 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 Debtors. However, the 2nd Judgment Debtor failed to appear before the Court and did not file any objections or show cause as to why they should not be committed to civil prison in execution of the decree and set exparte. The 1st Judgment debtor was filed counter statement and stated that, actually the 1st respondent borrowed a sum of Rs.8,00,000/- and 1st respondent had paid to a tune of for a sum of Rs.7,90,000/- whereas the petitioner company wants to swallow all the 1st respondent savings and income in the manner better known to the company by invoking 36% of exorbitant interest and penal chargers are all not maintainable by law and the 1st respondent property belongs in Karnataka State was mortgaged to the petitioners company and Memorandum of Deposit of Title deed was done in the Chamrajnagar, SRO.

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 Debtors till date towards the decree debt. The Judgment Debtors 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 means, including documents showing the Judgment copy of Arb.Case No.2627/2019 and Power of attorney document, which establish prima facie that the Judgment Debtors are financially capable of satisfying the decree.

5. In the absence of any explanation or proof to the contrary by the Judgment Debtors, and considering his deliberate default, this Court is satisfied that the Judgment Debtors are 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 Debtors 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 Debtors, L.Nandheesha, S.Guru under Order XXI Rule 38 CPC.

ii) The Judgment Debtors shall be produced before this Court on or before 19.12.2025, failing which they 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 22nd day of October 2025.

Subordinate Judge,
Sathyamangalam.

List of witnesses

Petitioner's side:

P.W.1. Thiru. Natesan

Respondent's side: -Nil-

List of documents

Petitioner's side:

S.No.	Date	Particulars	Nature
Ex.P1	29.03.2021	Arb.Case.No.2627/2019 Judgment	Certified Copy
Ex.P2	22.02.2013	Power of Attorney document	Certified Copy

Respondent's side: -Nil-

Subordinate Judge,
Sathyamangalam.