

IN THE COURT OF THE SUBORDINATE JUDGE, SATHYAMANGALAM.

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

Friday, the 01st day of August 2025
(2056 Thiruvalluvarandu Visuvavasu varudam Aadi Thingal 16thday)

E.P. No. 53 of 2023
in
Arb. Case.No.687 of 2021

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

... Petitioner/Decree Holder

Vs.

1. Subramani
2. Rajasekar

... Respondents/Judgment Debtors

This Execution Petition was came up for hearing before me on 01.08.2025 in the presence of Thiru.V.S.Avinashilingam, Advocate for the petitioner and the respondents 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 Debtors for non-satisfaction of the decree passed in Arb.Case.No.687/2021, dated 30.06.2022, whereby a decree for recovery of a sum of Rs.3,71,461/- 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 Judgment Debtors 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 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.687/2021 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, Subramani, Rajasekar under Order XXI Rule 38 CPC.

ii) The Judgment Debtors shall be produced before this Court on or before 02.09.2025, 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 01st day of August 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	30.06.2022	Arb.Case.No.687/2021 Judgment	Certified Copy
Ex.P2	22.02.2013	Power of Attorney document	Certified Copy

Respondent's side: -Nil-

Subordinate Judge,
Sathyamangalam.