

IN THE COURT OF THE SUBORDINATE JUDGE, SATHYAMANGALAM.

**PRESENT: Tmt.K.S.Shabeena, M.L.,
Subordinate Judge, Sathyamangalam.**

Wednesday, the 3rd day of June 2026
(2057 Thiruvalluvarandu Parabhava varudam Vaigasi Thingal 20th day)

E.P.No.99 of 2025
in
MCOP.110/2019
CNR No.TNED 050008792025

Nathiya

..... Petitioner/Decree Holder

Vs

1. Veluchamy
2. The Managing Director,
Tamilnadu State Transport Corporation Limited
Mettupalayam Road, Coimbatore.

..... Respondents/Judgment Debtors

This petition came up for final hearing before me on 03.06.2026 in the presence of Thiru.V.Nagarajan, Advocate for the Petitioner and Thiru.K.Balakrishnan, Advocate for the Respondents and upon perusing the entire case records, on hearing the arguments of both sides, and having stood over for consideration till this date, this court delivered the following:

ORDER

The petition is filed under Order 21 Rule 11(2) of CPC seeking for attachment of schedule property and realizes the decree amount with costs.

2. The averments of the petition in brief:

The petitioner is a decree-holder; having obtained a decree from the Sub-Court, Sathyamanagalam, on 10.11.2023, he filed an appeal against the said decree before the Hon'ble High Court of Madras under Appeal CMA.No.3414/2024, and subsequently obtained a decree in the said appeal on 21.12.2024, in connection with the case MCOP.110/2019. In accordance with these decrees, he is entitled to receive a sum of Rs. 9,94,870/-, along with future interest thereon and costs of the proceedings. After that the Judgment debtor has not paid the decree amount. The respondent have not prepared any appeal or revision against the judgment. Hence, the petitioner has filed this petition to attach the petition mentioned schedule properties and to sell the schedule property in the public auction and realized the decree amount.

3. The averments of the counter filed by the respondent in brief:

The petition is false, frivolous, vexatious, unsustainable both under law and facts and the petitioner in put to strict proof on entire allegations. It is submitted that this respondent has received the copy of the award from the Court recently. The respondent corporation is an undertaking company of Govt. of Tamilnadu, hence this respondent has to follow certain Administrative Procedures to obtain opinion from High court advocate, placing before the Corporation Committee/Finance Committee of the corporation and Board and based on the decision necessary steps will be taken to deposit the Award amount. There is no merits in the petition, hence this petition is dismiss with costs.

4. Points For Consideration:

1. Whether the petition is to be allowed or not?

5. Point:

5.1. This Execution Petition is filed by the Decree Holder under Order XXI Rule 43 and Rule 66 of the Code of Civil Procedure, 1908, seeking attachment and sale of the property belonging to the Judgment Debtor for realization of the decree amount.

5.2. It is now brought to the notice of this Court that the Judgment Debtor has failed to comply with the said condition and has not made the payment as directed. The Decree Holder has, therefore, prayed for attachment of the said movable property for execution of the decree.

5.3. Upon perusal of the records and considering the failure of the Judgment Debtor to discharge the decree debt, this Court is satisfied that the Decree Holder is entitled to proceed with attachment.

5.4. 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. The reason stated by respondent in the counter for non payment is unsustainable. Hence the petitioner is entitled for the claim as prayed for in the execution petition.

5.5. Hence, it is ordered that the movable property described in the schedule hereunder be attached forthwith, and the attachment shall remain in force until further orders of this Court or until the decree is satisfied in full, whichever is earlier.

6. Result:

1. **In the result**, the petition is allowed.
2. This court ordered to attach the schedule mentioned property and shall be brought to sale in public auction for realization of the decretal amount, interest and costs, in accordance with law.
3. Attachment by 07.07.2026.
4. Batta with in 15 days.

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 03rd day of June 2026.

Subordinate Judge,
Sathyamangalam.

Schedule of Property

தமிழ்நாடு அரசு போக்குவரத்து கழகம் கோவை கோட்டம்-2, ஈரோடு டீ சத்தி வழித்தடம், சத்தி டீ கோபி, கோயமுத்தூர், மேட்டுப்பாளையம், தமிழ்நாடு அரசுக்கு சொந்தமான பேருந்துகளில் ஏதேனும் ஒன்று மற்றும் அதன் வழித்தடம் மற்றும் சகல உரிமைகளும் சுகிதம் பாத்தியம் ஐப்தி செய்ய வேண்டியது.

Subordinate Judge,
Sathyamangalam.