

IN THE COURT OF THE SUBORDINATE JUDGE, SATHYAMANGALAM.

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

Wednesday, the 04th day of March 2026
(2056 Thiruvalluvarandu Visuvavasu varudam Maasi Thingal 20th day)

E.P.No.111 of 2023

in

Arb.No.2/2016

M/s Sriram Transport Finance Company Ltd.,
Rep. by its authorized representative P.Senthilkumar
instead of G.Gandhishankar Petitioner/Decree Holder

Vs

1. S.Jamuna
2. G.Natarajan @ Nataraj Respondents/Judgment Debtors

This petition came up for final hearing before me on 04.03.2026 in the presence of Thiru.V.S.Avinashilingam, Advocate for the Petitioner and the Respondent called absent set exparte and upon perusing the entire case records, on hearing the arguments of petitioner side, and having stood over for consideration till this date, this court delivered the following:

ORDER

This Execution Petition is filed by the decree-holder invoking the provisions of Order XXI Rules 22, 54 of the Code of Civil Procedure, seeking attachment and sale of the schedule mentioned immovable properties belonging to the 1st respondent/

judgment-debtor, for realization of the decretal amount arising out of an arbitral award dated 28.07.2016.

1. The case of the petitioner, in brief, is that an arbitral award dated 11.11.2019 was passed in its favour and against the first respondent for a sum of Rs.4,73,885/- together with interest and costs. It is asserted that the award has attained finality, that no proceedings are pending to set aside the same, and that the judgment-debtor has failed to satisfy the award despite repeated demands. Hence, the present execution petition has been filed seeking issuance of notice under Order XXI Rule 22 CPC, attachment of the immovable properties under Rule 54 and sale thereof by public auction under Rule 66 CPC.

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 in execution of the decree and set ex-parte.

3. The points that arise for consideration are whether the arbitral award dated 28.07.2016 is executable.

4. It is not in dispute that an arbitral award dated 28.07.2016 has been passed in favour of the petitioner. Under Section 36 of the Arbitration and Conciliation Act, 1996, an arbitral award, once the time for making an application under Section 34 has expired or such application has been refused, shall be enforced in the same manner as if it were a decree of the Court. The respondents has not placed any material before

this Court to show that the award has been set aside, stayed or rendered in-executable by any competent Court.

5. As regards the plea that nothing remains due, no acceptable documentary evidence has been produced by the respondents to establish full satisfaction of the award. In the absence of proof of payment or discharge, the decree-holder is entitled to proceed with execution for recovery of the decretal amount.

6. Result:

1. In the result, the Execution Petition is allowed.
2. Notice under Order XXI Rule 22 CPC is ordered.
3. The schedule mentioned immovable properties belonging to the respondents shall be attached under Order XXI Rule 54 CPC. Proclamation for sale shall be drawn up under Order XXI Rule 66 CPC and the properties shall be brought to sale in public auction for realization of the decretal amount, interest and costs, in accordance with law.
4. No order as to costs.
5. Batta within 3 days. Attach by 06.04.2026.

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 04th day of March 2026.

Subordinate Judge,
Sathyamangalam.

<u>Petitioner's side witnesses and documents:</u>	Nil
<u>Respondent's side witnesses documents:-</u>	Nil

Subordinate Judge,
Sathyamangalam.