

EP No.53/2021 in A.C.P. TF No.8/2019

28.06.2022

Records perused.

The arguments of the learned counsel for the petitioner/claimant were carefully considered by this court.

The execution petition was filed by the petitioner/claimant under Order XXI, Rules 54 and 66 and Section 151 of CPC, for attach and sale of the schedule property belongs to the respondents/respondents in order to realize the EP amount.

Notice in the execution petition was served to the respondents/respondents. After receiving notice, the respondents 1 and 2 did not appear before this court and they were called absent and set exparte by this court on 01.12.2021.

It is the contention of the learned counsel for the petitioner/claimant that

since the respondents failed to pay the dues to the petitioner/claimant, the petitioner/claimant initiated an arbitration proceedings before the Arbitral Tribunal at Tirunelveli for recovery of money and the Arbitral Tribunal passed an award in favour of the petitioner/claimant on 23.06.2020; As per the award the respondents are liable to pay a sum of Rs.19,54,268/- with interest on the arrear and future instalment amount of Rs.18,32,230/- at 18% per annum from the date of filing of claim petition on 16.10.2019 till its realization and costs of Rs.3,000/-; Even after the award, the respondents failed to pay the award amount with interest and costs; Hence, the petitioner/claimant filed this execution petition for attachment and sale of the immovable property belonged to the respondents/respondents; Hence, the

order of attachment and sale of the schedule of property may be passed.

A perusal of the records reveals that the petitioner/claimant obtained an Arbitral award in its favour on 23.06.2020 against the respondents for a sum of Rs.19,54,268/- with interest on the arrear and future instalment amount of Rs.18,32,230/- at 18% per annum from the date of filing of claim petition on 16.10.2019 till its realization and costs of Rs.3,000/-. Even after the award, the respondents failed to pay the award amount with interest and costs. Therefore, the petitioner/claimant filed this execution petition for attach and sale of the petition schedule property which belongs to the respondents/ respondents. Under the said circumstances, this court finds that the petitioner/claimant is entitled to bring the schedule property for attach and sale

in order to realize the EP amount. Hence, this court directs the Amin of this court to attach the immovable property mentioned in the execution petition on or before 11.08.2022. Attachment batta within 10 days. Call on 11.08.2022.

Sd/-
P.D.J.