

IN THE COURT OF THE PRINCIPAL DISTRICT MUNSIF, NAGERCOIL.**Present: Tmt. M.Alima, B.A., L.L.M.,**

Principal District Munsif, Nagercoil.

Thursday, on the 28th day of November, 2024.**E.P.No.32/2024 in Arb.No.144/2015**

M/s. Shriram Transport Finance Co.Ltd.,

Rep. by its power of attorney

holder Thiru. K. Sasikumar

... Petitioner /Claimant/ Decree holder

-vs-

1. Mr. Subash

2. Mr. Manoharan

.. Respondents /Respondents/

Judgment Debtors

This petition came before this court on 14.11.2024 for a final hearing in the presence of Advocate Mr. T.S. Chandra Sekar, for the Petitioner/Decree holder and Respondents/Judgment Debtors called absent, set exparte, and upon hearing both sides, perusing the case records, and having stood over for consideration till this day, this court hereby delivers the following:

ORDER

The petitioner had filed the above petition under Order XXI Rules 22, 43, 66 & 77 of Code of Civil Procedure, seeking for to direct the respondents to pay the award amount to the petitioner, if they failed to pay the award amount, attach and sale of the movable properties of the respondents and realize the award amount with subsequent interests and costs by way of auctioning the attached movable properties.

2) Gist of Averments in the Petitioner /Claimant Petition :

The petitioner is working as Assistant Executive in the Claimant/petitioner Company and power of Attorney holder of the Claimant. The petitioner herein is the claimant in the above said Arbitration Case. The claimant filed the above Arbitration case for recovery of money against the respondents. The arbitration case was awarded on 27.02.2016. After the award, the respondents have not come forward to pay the award amount as per the award of the Arbitral Tribunal. Now an amount of Rs.2,14,957/- is due from the respondent under the award. The respondents have sufficient means to discharge the award debt. But the respondents have been purposely evading to pay the award amount with further interest. The award amount could be realized if this court passes an order of attachment and sale of scheduled movable properties of the respondent/ judgment debtors after giving due notice. Hence, the petition is to be allowed.

3) The Respondents were set exparte.

4) The point for consideration is whether the above petition has to be allowed or not?

5) Point:

Heard. Records perused. The petitioner had filed the above Execution petition seeking an order for the attachment and sale of the schedule movable properties of the respondents after giving due notice and realize the Execution petition amount and with cost.

6) Since award had been passed against the respondents, directing them to pay Rs. 2,14,957/- (Rupees Two lakh Fourteen Thousand Nine Hundred and Fifty seven only) together with interest at 18% per ann-um from the date of passing the award and Rs.2750/- (Rupees Two thousand Seven Hundred and Fifty only) towards cost and it is stated that the amount and that there is no appeal against the said award, it is ordered to attach the petition schedule movable properties by 18.03.2025 call on 19.03.2025

Dictated to the Steno-Typist, and typed by her, corrected and pronounced by me, in open court this, the 28th day of November, 2024.

Sd/-
Principal District Munsif,
Nagercoil.

Petitioner side witnesses and documents : Nil.

Respondents side witnesses and documents : Nil.

Sd/-
Principal District Munsif,
Nagercoil.

Draft/Fair Order
E.P.32/2024 in
claim petition.144/2015
Date: 28.11.2024.
PDM, Nagercoil.

Date: 28.11.2024

E.P.No.32/2024 in Arb.No.144/2015

Order pronounced in Open court:

Heard. Records perused. The petitioner had filed the above Execution petition seeking an order for the attachment and sale of the schedule movable properties of the respondents after giving due notice and realize the Execution petition amount and with cost.

Since award had been passed against the respondents, directing them to pay Rs. 2,14,957/- (Rupees Two lakh Fourteen Thousand Nine Hundred and Fifty seven only) together with interest at 18% per ann-um from the date of passing the award and Rs.2750/- (Rupees Two thousand Seven Hundred and Fifty only) towards cost and it is stated that the amount and that there is no appeal against the said award, it is ordered to attach the petition schedule movable properties by 18.03.2025 call on 19.03.2025.

PDM