

IN THE COURT OF PRINCIPAL DISTRICT MUNSIF, THIRUMANGALAM

Present: Thiru. C.Dineshkumar, M.A., B.L.,

Principal District Munsif, Thirumangalam

Monday 11th day of September 2023

E.P. No.12/2021

in

O.S. No.100/2019

P.Pandi

... Petitioner/ Plaintiff

/Vs./

S.Jeyakumar

... Respondent/ Defendant

This Petition coming on 25.08.2023 before me for final hearing in the presence of Counsel Mr.S.Ganapathy, Advocate for the Petitioner and Mr.S.Azhagumalai, Advocate for the Respondent, while the Respondent has remained exparte by not filing of counter and upon perusing the petition and the entire materials available on the records before this court and having stood over for consideration till this day, this court delivers the following,

ORDER

This petition has been filed by the Petitioner for arrest of the Respondent for not paying the money as per the decree passed by this Court.

2. The Counsel for the Petitioner argued that this Court has passed a decree for Rs.92,975/- with an interest of 9% per annum for the Principal Amount of Rs.75,000/- from the date of filing till the date of Decree and with an interest of 6% per annum for the date of Decree till the date of realization and the respondent has failed to pay the decree amount and therefore, he must be arrested and put him in civil prison. At the same time, the Respondent has remained exparte by not filing counter.

3. The point for determination is that whether this Petition has to be allowed or not.

4. Heard the petitioner's side and the records were perused carefully.

5. On perusal of records, it could be seen that this Court has passed a decree for Rs.92,975/- with an interest of 9% per annum for the Principal Amount of Rs.75,000/- from the date of filing till the date of Decree and with an interest of 6% per annum for the date of Decree till the date of realization. At this juncture, the petitioner contends that the respondent has not paid the decree amount so far and thus, this petition has been filed for civil arrest.

6. Further perusal of records reveal that the petitioner has been examined as PW1 and he has deposed with respect to the decree passed by this court, non payment the decree amount and the means of the respondent. As the respondent has remained exparte, the contents of the petition and the oral evidence of the petitioner's side remain unchallenged and therefore, there is nothing on the record to discard the plea of the petitioner regarding the non payment of the decree amount and the respondent is having means for paying the decree amount.

7. Further, it is the duty of the Executing Court to execute the decree passed by a competent Court as early as possible to ensure that the decree holder gets the fruits of the decree as early as possible. Therefore, in order to enforce the decree passed by this Court, this Court is inclined to allow this application and order for the detention of the respondent in civil prison.

As a result, this Execution Petition is allowed and arrest of the Respondent is ordered hereby.

Dictated by me to the Steno-typist directly in the office computer and the same was corrected by me and pronounced in the open court on this 11th day of September, 2023.

(Sd.C.Dineshkumar)

Principal District Munsif
Thirumangalam

Annexures :

Petitioner side Witness :

PW1 Pandi

Petitioner side Documents : Nil

Respondent side Witness : Nil

Respondent side Documents : Nil

(Sd.C.Dineshkumar)
Principal District Munsif
Thirumangalam

E.P. No.12/2021
in
O.S.No.100/2019
Fair - Order
DOD. 11.09.2023

IN THE COURT OF PRINCIPAL DISTRICT MUNSIF, THIRUMANGALAM

Present: Thiru. C.Dineshkumar, M.A., B.L.,

Principal District Munsif, Thirumangalam

Monday 11th day of September 2023

E.P. No.12/2021

in

O.S. No.100/2019

P.Pandi, S/o.Palchamy Thever, Hindu aged about 42 years
and residing at Vagaikulam Village, Thirumangalam Taluk,
Madurai District.

... Petitioner/ Plaintiff

/Vs./

S.Jeyakumar, S/o.Subbiayan, Hindu aged about 42 years
and residing at Amman Colony, Vagaikulam Village,
Thirumangalam Taluk, Madurai District.

... Respondent/ Defendant

This petition has been filed by the Petitioner for arrest of the Respondent for not paying the money as per the decree passed by this Court.

Court fees paid : Rs.20/-
Date of filing : 23.08.2021

This Petition coming on 25.08.2023 before me for final hearing in the presence of Counsel Mr.S.Ganapathy, Advocate for the Petitioner and Mr.S.Azhagumalai, Advocate for the Respondent, while the Respondent has remained exparte by not filing of counter and upon perusing the petition and the entire materials available on the records before this court and having stood over for consideration till this day, this court delivers the following,

Ex-order

1. The Execution Petition is allowed and arrest of the Respondent is ordered hereby.
2. That there be no order as to cost.

Schedule of Property

Nil

Particulars of Cost List

Cost list not produced by the both parties.

Given under my hand and the seal of the court, on this the 11th day of
September 2023.

(Sd.C.Dineshkumar)
Principal District Munsif,
Thirumangalam.

Ex-Order

DOD : 11.09.2023