

IN THE COURT OF THE SUB JUDGE AT UDHAGAMANDALAM

Present : Mrs.G.Bharathi Prabha., B.A., B.L.,

Sub Judge, Udhagamandalam.

(J.O.Code: TN01448)

Wednesday the 19th day of November, 2025

E.P.No.13/2025

in

A.C.No.4260/2022

M/s.Cholamandalam Investment and
Finance Co.Ltd., Represented by its Authorized
Signatory “Dare House” No:2, N.S.C.Bose Road,
Parrys, Chennai – 600 001, Represented by their
Authorized Power of Attorney Agent
(Mr.Sivakumar)

... Petitioner/Claimant

/Vs/

1. P.Princymary
2. S.Naveenkumar
3. D.Peterjohn

... Respondents/Respondents

This petition is coming on 19.11.2025 for final hearing before this Court, in the presence of Mr. A.Mahesh, B.A.(Law)., LL.B., Advocate for the Petitioner/Claimant and the respondents having called absent and set exparte and upon hearing the petitioner’s side argument, and all connected material records and having stood over till this day, for consideration, this court delivered the following:-

ORDER

This petitioner has filed an execution petition under order 21 rule 43 and Section 151 of CPC for recovery of a sum of Rs.4,58,757/- from the respondents by way of attachment of the movable property.

GIST OF THE PETITION:

2. The petitioner filed this petition to realize the award amount with interest as per the award passed in AC.No.4260/2022 on 28.03.2023. Hence, this petition for execution to realize the above said amount through attach the movable property of this respondent.

3. The respondents was set exparte.

4. The Point for consideration is, **whether this petition has to be allowed or not?**

5. On perusal of case the records, it is found that, the petitioner had obtained an award against the respondents on 28.03.2023 in AC.No.4260/2022. The petitioner came forward with the present petition to realize the said award amount along with interest stating that, this respondents have to pay a sum of Rs.3,03,813/- with interest at the rate of 18% per annum from 28.06.2022 to 02.04.2025. So that the petitioner filed this petition for award amount of Rs.3,03,813/- and interest amount of Rs.1,51,324/-. So that totally the petitioner claimed a sum of Rs.4,58,757/-. Whereas the respondents was set exparte.

6. Further, as per award, this respondents has to pay the entire amount as mentioned in the award. Even though, the petitioner has got the award on 28.03.2023 i.e., had not taste the fruit of the said award as the respondents failed to comply the direction in the award. Therefore, this court is of the considered view that, the petitioner is entitled to the Execution of the award obtained by they and the petition deserves to be allowed. Now, it is to be seen that, whether this court can order the execution of the decree as prayed for by the petitioner?

7. It is not in dispute that, the petitioner had obtained an award against the respondents in the above suit on 28.03.2023 and the award amount has not yet been realized by the petitioner. Further, there is nothing on record to show the satisfaction of the award subsequent to passing of the same. Under these circumstances, if the prayer sought for by the petitioner is not granted, the petitioner can not taste fruits of the decree obtained in the above suit. Therefore, this court comes to the conclusion that, the petitioner is entitled to the relief as prayed for. The Point is answered accordingly.

8. In the result,

Attach by 19.12.2025.

Batta in a Week.

Dictated to Steno Typist, typed by him directly in computer, corrected and pronounced by me in open court, on this the 19th day of November, 2025.

**Sub Judge,
Udhagamandalam.**