

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
PERAMBALUR DISTRICT, TAMIL NADU STATE.

Present: Thiru.V.Padmanabhan, M.A., M.L., D.H.,
Principal District Judge.

Tuesday, this the 24th day of February, 2026.

E.P.No.48/2025
in
O.S.No.5/2024

1. Kamala.

2. Kannusamy.

--- Petitioners/Plaintiffs/D.Hrs.

-Vs-

1. Jayabal.

2. Periyammal.

--- Respondents/Defendants/J.Drs.

This petition is coming up before me for final hearing on 10.02.2026 in the presence of Thiruvalargal.C. Ganesan, S. Arunan, R. Prabakaran and M. Aravindh, Advocates for the petitioners and Thiru.P. Kamarasu, Advocate for the respondents; upon perusing the petition, counter and documents and after hearing the arguments on both side, this Court has passed the following:

ORDER

This petition is filed u/s.21 and Order 11 of CPC for attachment of immovable properties belonging to the respondents for realization of decree amount passed in O.S.No.5/2024 with interest.

2. **Brief averments made in the petition is as follows:**

The petitioners as the plaintiffs filed the main suit against the respondents for the relief of specific performance or in the alternative, to refund the advance amount.

The suit was partly decreed on 30.01.2025 in respect of refund of advance amount with interest. The respondents did not pay the decree amount with interest. Hence, the petitioners have come forwarded this petition to order for the proclamation and the attached property may be sold in public auction through the process of Court and thereby permit the petitioners to realize the decree amount from the respondents with subsequent interest and cost according to law as per Order 21 Rules 43, 66 and 72 of CPC. If the petition is not allowed, the petitioners will be put to irreparable loss and hardship whereas no prejudice will be caused to the respondents. Hence, this petition.

3. The brief averments in the counter filed by the 1st respondent and adopted by 2nd respondent is as follows:-

The petitioners are not entitled to any relief as prayed for. The petition mentioned property is a vacant site consisting of a house. The respondents are very poor and innocent. Except the property, no other property they have to dwell. Hence, the petition may be dismissed with costs.

4. **Point for consideration is:**
Whether the petition has to be allowed or not?

Point:-

5. Admittedly, the main suit was filed by the petitioners, as plaintiffs, against the defendants seeking the relief of specific performance, or in the alternative, refund of the advance amount of Rs.10,00,000/- with subsequent interest. By judgment and decree dated 30.01.2025, the Court granted a decree for refund of the advance amount with interest. Despite the passing of the said decree, the respondents have failed to pay the decretal amount, the petitioners have come forward with the present Execution Petition.

6. The petitioners filed this execution application for the relief to realise the decree amount by bringing the property for sale. In the counter, the 1st respondent has stated

that he is a poor man and he owns only property mentioned in the schedule which is a vacant site consisting of a house. To substantiate this defence, the 1st respondent did not produce any oral and documentary evidence. No any legally acceptable defence is stated in the counter. Considering the above circumstances and in the interest of justice, this Court comes to the conclusion that the petitioners are entitled to the relief as prayed for and the point is answered accordingly.

7. In the result, this petition is allowed and the respondents are directed to pay the E.P. amount to the petitioners on or before 09.03.2026, failing which property mentioned in the application will be attached. Call on 10.03.2026.

Dictated to the Executive Assistant, transcribed and typed by her, corrected and pronounced by me in open Court, this the 24th day of February, 2026.

Principal District Judge,
Perambalur.

PDJ Court,
Perambalur.

E.P.No.48/2025
in
O.S.No.5/2024
D.D: 24.02.2026.