



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, RAMANATHAPURAM.
PRESENT: Thiru. A.K.MEHBUB ALI KHAN, B.L.M, L.L.M.,
PG.D.PM/IR, Dip.in.J.J & J.Psy.,
Principal District Judge, Ramanathapuram.**

Saturday the 01st day of February 2025

**E.P. No. 15/2024
in
C.D.NO. 5/2018
(CNR. No. TNRM01-000491-2023)**

M/s Shriram Chits Tamilnadu (Pvt)Limited
Rep. by its Ramanathapuram Branch Manager
& Foreman, Mr.S.N.Muthukannan.

... Petitioner/Decree Holder

-VS-

01. K.Kaladevi
02. K.Kalisamy

... Respondents/Judgment Debtor No.
1 and 2

This petition came on 28.01.2025 for final hearing before this Court in the presence of Thiru.M.Sakthivel, Advocate for the petitioner/Decree Holder and Thiru.S.Balakrishan, Advocate for the respondents / Judgment Debtor and on hearing the arguments on both side and on upon perusing the entire case records and having stood over for consideration till this date, this Court delivers the following..

ORDER

The Execution Petition is filed by the Execution Petitioner/Decree Holder



under Order 21 Rule 54,66, 72 and section 151 of CPC for attachment of and sale of property.

2. The Execution Petitioner/Decree Holder has obtained an award against the respondents from the Statutory Arbitrator namely the District registrar on 27.06.2018. In spite of the said award, the respondents have not paid the award amount, though they have sufficient means to discharge the award. Therefore, he has filed this petition to execute the said award by attachment and sale of the property described in the petition and thereby realize the award amount.

3. The respondents contended that the petitioner did not pay them full amount under Chits but only sum of Rs.7,00,000/- was paid. The amount calculated is not correct and it has included different amount under other Cits. The District Register has not passed any order transmitting the award to Civil Court. Hence the said award cannot be executed by this Court. The E.P is barred by limitation and the petitioner cannot realize the amount that is barred by limitation. Hence, he prays to dismiss the execution petition.

4. Point for consideration

Whether the execution petition is maintainable and the award passed by the District Registrar can be executed?



5. Answer to Point:

5.1 The respondents have not denied that the execution petitioner has obtained an award against them. This objection is that the said award was not transmitted to the Civil Court as required by CPC and hence it cannot be executed. It is needless to state that the Hon'ble Madras High Court *“Kotak Mahendra Bank Ltd., -Vs- Sivakama Sundari and others CPC (NPD) 574/2011 dated 26.08.2011”* has categorically held that an award under Arbitration and Conciliation Act need not be transmitted to the Civil Court as there is no provision in the Arbitration and Conciliation Act. Therefore, the award passed by the District Register need not be sent to be Civil Court under section 36 of the Arbitration and Conciliation Act. Hence this objection is rejected.

5.2. Similarly, even though the respondents have claimed that the amount calculated is wrong, they have not filed any details in support of such claim. Hence, this objection also is liable to be rejected. Since the E.P is filed within 12 years from the date of award, it is not bit by limitation as claimed by the respondents. Hence, the objections raised by the respondents are not sustainable and they are rejected.

5.3 Thus, it is held that the E.P. is maintainable and the petitioner is entitled to recover the award amount by attachment and sale of property belonging to the respondents. This point is decided accordingly.



In fine, the Execution petition is allowed and attachment of and sale of property described in the petition is ordered. Attach by. 01.03.2025 Batta within a week

Dictated to Steno-Typist, transcribed and typed by her in the computer, corrected and pronounced by me in Open Court this the 01st day of February 2025.

Sd/Thiru.A.K.MEHBUB ALIKHAN,
Principal District Judge,
Ramanathapuram.

List of witness on the either side: Nil

List of documents on either side: Nil

Sd/Thiru.A.K.MEHBUB ALIKHAN,
Principal District Judge,
Ramanathapuram.