



**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.**

**Monday the 17<sup>th</sup> day of March 2025**

**E.P. No. 19/2023**

**in**

**A.C.P.No.81/2019**

**(CNR. No. TNRM01-000493-2023 )**

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M/s Shriram City Union Finance Limited  
Rep. by its Legal Manager and  
Power of Attorney Holder,  
Mr. K.Srisubramanian

... Petitioner/Award  
Holder

-vs-

01. A.Ramanathan  
02. R.Lakshmi

.... Respondents/Award  
Debtors No. 1 and 2

This petition came on 11.03.2025 for final hearing before this Court in the presence of Thiru.M.Sakthivel, Advocate for the petitioner/Award Holder and Thiru. Krishnakumar, Advocate for the respondents/ Award Debtors 1 and 2 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 petitioner/Award Holder has filed the Execution Petition for attachment of immovable property to realise the award amount under Order 21 Rule 54, 66 and 72 of CPC.

2. The execution Petitioner/ Award Holder has obtained an Arbitration Award against these respondents/Award Debtors 1 and 2 on 31.12.2019. Since these respondents did not pay the award amount inspite of sufficient time, the present execution petition is filed to realise the award amount with interest by attaching and selling the property described in the petition and belongings to the respondents 1 and 4. Therefore, he prays to attach the property and bring it for sale and thereby realise the award amount with interest.

3. The respondents 1 and 2 /Award Debtors have filed counter inter-alia stating that the execution petitioner has obtained the exparte award and these respondents are not aware of the said award. After knowing about the award, they have filed Arbitration O.P. 14/2022 to set aside the said award before Sivagangai District Court and the same is pending. The award passed by the Arbitration Tribunal is not correct and



the petitioner has filed the execution petition suppressing the said Arbitration O.P. filed against the award. Therefore, since the exparte award passed by the Arbitration Tribunal is challenged before the Sivagangai District Court in Arbitration O.P. No.14/2022, the execution petition is not maintainable and has to be dismissed.

**5. Point for consideration**

Whether the execution petition is maintainable and the award passed by the Arbitration Tribunal can be executed?

**6. Answer to Point:**

**6.1** As per direction of this Court, the respondents argued on 14.03.2025 that the only objection raised by the respondents is that the exparte award passed by the Arbitration Tribunal is challenged in Arbitration O.P. No.14/2022 before the Sivagangai District Court and therefore the execution petition is not maintainable when Arbitration O.P. is pending. Though, the learned counsel for the respondents who argued on 14.03.2025 has filed copies of the plaint in O.S. 220/2019 filed by them against these award holder and others for declaring that the mortgage deed dated 19.09.2018 executed by the respondents 1 and 2 herein in favour of the



petitioner and another as null and void and also for injunction and the written statement filed by them by the defendants in the said suit, he has not filed any copy of the alleged petition in Arbitration O.P.No. 14/2022 said to have been pending against the said award. It is also not shown that any stay has been granted in the said Arbitration O.P. Therefore, in the absence of any stay or any evidence that the Arbitration O.P. is filed and pending against the award, this Court cannot dismiss the execution petition under the premise that the award is challenged . Even otherwise, the respondents are at liberty to obtain stay from the District Court, Sivagangai in the said Arbitration O.P. Except these objections, no other valid objection is raised by the respondents.

**6.2** Therefore, it is held that the execution petition cannot be stayed in the absence of any proof that Arbitration O.P. is pending or that the award is set aside. Therefore, it is held that the petitioner/Award Holder is entitled to realise the award amount by attaching and selling the property. However, the respondents are at liberty to obtain stay from the District Court, Sivagangai or file appropriate petitions seeking stay of the execution with sufficient proof, if so advised. Accordingly, this point is decided.

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In the result, this Execution Petition is allowed with cost and Attachment and Sale is ordered. Attach by 21.04.2025. Batta in a week.

Dictated to Executive Assistant, transcribed and typed by her in the computer, corrected and pronounced by me in Open Court this the 17<sup>th</sup> day of March 2025.

Principal District Judge,  
Ramanathapuram.

**List of witness on the either side :Nil**  
**List of documents on either side: NIL**

P.D.J.

Principal District Court,  
Ramanathapuram.

E.P. No.19/2023 in

ACP No.81/2019

Draft/Fair Order

Dated: 17.03.2025