



**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
RAMANATHAPURAM.**

**PRESENT: Thiru. A.K.MEHBUB ALI KHAN, B.L.M,
PG.D.PM/IR, Dip.in.J.J & J.Psy., P.G. DDF.,
Principal District Judge, Ramanathapuram.**

Monday the 30th day of March 2026

**E.P. No. 18/2025
in
O.S.No.78/2019**

K.Panneerselvam ... Petitioner/Decree
Holder/Plaintiff

-VS-

Chandra Sekar ... Respondent/Judgment
Debtor /Defendant

This petition came on 23.03.2026 for final hearing before this Court in the presence of Thiru.K. Subendra Sugumara Mani, Advocate for the petitioner/Decree Holder/Plaintiff and Thiru. K. Linganathan, Advocate for the respondent/Judgment Debtor/Defendant 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 petitioner/Decree Holder/Plaintiff for attachment of immovable property to realize the Decree amount under Order 21 Rule 54, 66 and 72 of CPC.

2. The contention of the petitioner/decree holder:

The Execution petitioner/Decree Holder/Plaintiff has obtained a decree against the respondent/Judgment Debtor/Defendant for recovery of a sum of Rs. 15,00,000/- with subsequent interest in O.S. No. 78/2019 on 23.07.2021. Since the respondent has not paid the decree amount, the petitioner has filed this petition to execute the said decree by attaching and selling the property described in the schedule and thereby realise the decree amount. Hence, he prays to order attachment and sale of the said property.

3. The contention of the respondent/ Judgment Debtor :

The fact that the petitioner has obtained an exparte decree against this respondent is known to this respondent only now. The petitioner/Decree Holder had filed the suit by giving a wrong address as if



the respondent is residing in Paramakudi. However, this respondent has been residing in Door No.11 B, Sri Krishna Nagar 2nd main road, Alambakkam, Madhuravoyal, Chennai -95 and is working in Meenakshi Plywood Company for several years. No summons were served to this respondent in the said address. This respondent has filed an application to set aside the exparte decree passed against him before the 4th Additional District Court, Madurai. He has also filed an application for furnishing copies of the documents based on which this petitioner has filed the above suit. He has a good case and there is every possibility that the exparte decree would be set aside. The petitioner has filed the Execution Petition also by giving wrong address and he came to know about the filing of Execution Petition only through a friend in the Postal Department and after much difficulty, he came to know about the exparte decree passed in O.S. 79/2019. Therefore, the petition is not maintainable and has to be dismissed.

4. Point for consideration in this petition is, Whether the Execution Petition be allowed?



5. Answer to Point:

5.1 The only objection raised by the respondent/Judgment Debtor is that the petitioner had obtained an exparte decree by giving wrong address and that he came to know about the proceedings through a friend working in the Postal Department. Though, he has stated that he has filed an application to set aside the exparte decree, he has not given the details of the said petition or the stage of the said petition. He has also not filed any application to stay the execution proceedings under Order 21 Rule 26 of C.P.C. In these circumstances, unless the decree is set aside, even an exparte decree is valid and can be executed by process of law.

5.2 Therefore, in the absence of any details of the petition to set aside the exparte decree, there is no impediment in proceeding with the execution petition. Hence, it is held that the petitioner/Decree Holder is entitled to execute the said decree to realise the decree amount by attaching and selling the property described in the schedule. Hence, it is held that the petition be allowed and attachment and sale is ordered. This point is decided accordingly.

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In the result, the petition is allowed and attachment and sale of the property described in the schedule is ordered. Attach by 02.06.2026. 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 30th day of March 2026.

Principal District Judge,
Ramanathapuram.

List of witness on the either side :Nil

List of documents on either side: NIL

Principal District Judge,
Ramanathapuram.