

**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., PG.D.D.F.,  
Principal District Judge,  
Ramanathapuram.**

**Friday, the 19<sup>th</sup> day of December 2025**

**E.P. No. 42/2024  
in  
M.C.O.P.No.77/2019**

**\*\*\*\***

1. Latchiyavathii
2. Pappa
3. Kavitha
4. Palanimurugan ... Petitioners/Decree Holders

**-vs-**

Senthilkumar ... Respondent/Judgment Debtor

This petition came on 15.12.2025 for final hearing before this Court in the presence of Thiru.P.Venkatesan, Advocate for the Petitioners/Decree Holders and Thiru.K.Dhanabal, Advocate for the Respondent/Judgment Debtor and upon perusing the entire case records and having stood over for consideration till this date, this Court delivers the following ...

**ORDER**

Execution Petition filed by the Petitioners/Decree Holders for arrest of the Judgment Debtor.

**2. The case of the Petitioners/Decree Holders in brief:**

The Decree Holders have obtained the award for Rs.3,66,000/- towards compensation against the respondent. However, the respondent has not paid the award amount and therefore they have filed the Execution Petition for Rs.5,29,551/- along with cost of the Execution Petition. They have contended that even though the respondent has sufficient means and capability to pay the amount, he has purposely avoided payment. Therefore, they have prayed to execute the said award by arrest of the Judgment Debtor and detaining him from civil prison.

**3. The case of the Respondents/Judgment Debtors in brief:-**

The respondent has contended that the award passed in the M.C.O.P.NO.77/2019 was an exparte award and he has taken steps to set aside the said exparte award. He has further stated that, he has a good case on merits in the M.C.O.P.No.77/2019 and therefore, there is every possibility that the award would be set aside. Only then a clear decision could be taken in the said M.C.O.P. In these circumstances, he has contended that the petition is not maintainable and prays to dismiss this petition.

**4. Point for consideration in this petition is,**

***Whether the petition be allowed?***

5. P.W.1 was examined on the side of petitioners. No oral or documentary evidence was let in by the respondent side.

6. **Points for consideration:-**

6.1. The petitioners have obtained an award against the respondent for a sum of Rs.3,66,000/- in M.C.O.P.No.77/2019. Even though, the respondent has claimed that he has taken steps to set aside the exparte award, he has not filed any details about the said petition or the stage of the said petition.

It is pertinent to note that even an exparte decree or award is executable and enforceable unless and until the same is set aside. In this case even though the award passed by the court tribunal is an exparte award, the same is not yet set aside. Therefore, there is no impediment in executing the said award. Thus, it is held that the Execution Petition is maintainable.

6.2 This Execution Petition being one for arrest and detention of the Judgment Debtor in civil prison, the petitioners must establish that the respondent has means to pay the amount but purposely avoids to do so. They have examined P.W.1 and have filed proof affidavit clearly stating that the respondent has sufficient means and sources to pay the award amount but, has wantonly avoided to pay the award amount. Thus, the petitioners have satisfied the court that the respondent is purposely and wantonly avoiding payment even though, he has sufficient means and sources. The respondent has not let in evidence to rebut the said claim of

the petitioners. Therefore, it is held that the respondent has purposely avoided payment of the award amount and therefore, he is liable to be arrested and detained in civil prison. Hence, arrest is ordered. This point is decided accordingly.

In the result, the Execution Petition is allowed and arrest is ordered. The Respondent/Judgment Debtor shall be arrested and produced before this court to pass further orders of detention in civil prison by 09.01.2026. Batta in one week.

Dictated to Steno-typist, transcribed and typed by her in the computer, corrected and pronounced by me in Open Court this the **19<sup>th</sup> day of December 2025.**

Principal District Judge,  
Ramanathapuram.

**I. List of witnesses on the side of the petitioners:**

P.W.1 -- Latchiyavathii

**I. List of Documents on the side of the petitioners: Nil**

**II. List of witnesses and documents on the side of the Respondents: Nil**

Principal District Judge,  
Ramanathapuram.