

suit was decreed by directing the defendant to pay a sum of Rs.80,000/ from the date of the plaint to till the date of decree and thereafter 6% interest till the date of realization and with cost. Till this date no appeal has been preferred. Even after the passing of decree the respondent has failed to pay the decree amount. Hence, the petition is filed.

1.2. In spite of granting sufficient opportunities the first respondent failed to appear and file counter and hence was set exparte on 08.11.2024.

2. Brief Averments of the counter:

The respondent states that the cost imposed in the decree and the cost mentioned in this petition differs. The respondent has no movable and immovable properties. The respondent has no income and as no work. To settle to decree amount the respondent has no work or income. Hence, this petition is not maintainable. The petitioner has not stated what work the respondent has and how much income he derives. The respondent is suffering from Blood pressure and has no income to maintain. The plaintiff as no cause of action to file this petition. Hence prays to dismiss this petition.

3. Points for consideration:

- (i) Whether the petition is to be allowed or not?
- (ii) To what other relief?

On the side of the petitioner, the petitioner himself was examined as Pw1 and no documents were marked. There was no oral evidence examined and no documents was marked by the respondent. Heard plaintiff's side. Records perused.

Points No.1&2:

This petitioner has pleaded that he is the plaintiff in the suit. This suit is filed by the Plaintiff, for directing the defendant to pay the suit sum of Rs.80,000/- along with interest at 9% per annum on the principal sum of Rs.80,000/ from the date of the plaint to till the date of decree and for costs. Decree was passed on 10.04.2023 by

this court. The suit was decreed by directing the defendant to pay a sum of Rs.80,000/ from the date of the plaint to till the date of decree and thereafter 6% interest till the date of realization and with cost. Till this date no appeal has been preferred. Even after the passing of decree the respondent has failed to pay the decree amount. The petitioner examined himself as Pw1 and deposed that the respondent by having sufficient means failed to repay the amount borrowed and decreed. In cross examination of the Pw1 the respondent questioned that PW1 has not adduced any evidence proving that the respondent have income. This court is of opinion that already the decree has been passed in favour of the petitioner by this court. The petitioner need not file any documents to prove the same. It is the duty of the respondent to repay the amount borrowed. Just because he has no income he cannot be exempted from repaying the decree amount. Thus, it is very well established by petitioner/Decree holder that the respondent has sufficient means and failed to repay the decree amount. Considering that no appeal is preferred by respondents/Judgment debtor and they have disobeyed the decree passed by this court in interest of justice this court is inclined to allow this petition. It is pertinent to know that the second respondent is female thus, as contemplated is under section 56 of CPC female are exempted from arrested for payment of money thus arrest order cannot be passed against 2nd respondent.

In the result, this petition stands allowed the respondents are directed to pay the EP amount and Arrest 1st Respondent/Judgment debtor by 12.01.2026.

Directly, typed by me in my laptop, corrected and pronounced by me in the Open Court on this the 15th day of December 2025.

District Munsif,
Arakkonam.