

IN THE COURT OF THE SUBORDINATE JUDGE, METTUR

Present: Thiru. R.Saravana Babu, B.A., L.L.B.,

Subordinate Judge, Mettur

Tuesday, the 07th day of July 2026

R.E.P. No.82/2024

in

O.S.No .37/2011

R.Thiyagarajan

... Petitioner /D.H

/ Versus /

1. M/s.Sri Rajendra Silks,
Partnership Firm by its Partner Sidhuraj
2. Sidhuraj
3. Rukumani
4. Venkataraj

... Respondents / J.Ds.

This application coming up for final hearing on 02.06.2026 in the presence of Tr.G.Narasimhan Advocate appeared for the Petitioner /D.H and Presence of Tr.C.Velmurugan Advocate appeared for the Respondents No.1 to 4 and upon both side hearing the arguments and perusing the case records and having stood over for consideration till this day, this court passed the following.

ORDER

The Petitioner has filed this Execution Petition Under Order 21 Rule 11, 54, 64, 66 and Section 151 of Civil Procedure Code r/w. Sec.36(1) of Arbitration and conciliation Act 1996 to attach, proclaim and sell and petition mentioned property in public auction.

2. Brief Averments of Petition:

The petitioner has filed the above before the O.S.No.37/2011 and got a decree against the respondents. Till date the Respondents have not paid the decree amount. Hence, the petitioner has filed the above REP for attach, proclaim and sell the petition mentioned property.

3. Brief facts of the counter statement by 2nd respondent and adopted by 1, 3 and 4 respondents:

The petition filed by the petitioner is false, frivolous, vexatious and not sustainable under law and on facts. The respondent has stated that the claim amount mentioned in the petition is wrong. It is further stated that the petitioner has already filed an Execution Petition in EP No.28/2022 and same has been withdrawn by him. Therefore, there is no true facts in the petition and it is liable to be dismissed.

4. Now the point for consideration is that:

Whether the application filed under Order 21 Rule 11, 54 64, 66 and Section 151 of Civil Procedure Code can be allowed or not ?

5. Heard the both side and documents perused.

6. Point:

(6.1) The petitioner has filed the O.S.No.37/2011 before this court and got the decree amount of Rs.7,50,000/- along with the interest of 9% per annum as per the judgment dated 08.04.2021.

(6.2) On perusal of award it is found that the respondents directed to pay a sum of Rs.7,50,000/- to the claimant. Since the respondents have not satisfied the award amount, the petitioner has come forward with this petition for execution. Since the respondents have not settled the suit amount and have not preferred any appeal before any appellate forum, it is just and necessary to execute the decree against the respondents and the petition mentioned property. Therefore, it is decided that if the attachment was not ordered the petitioner will be put to serious loss and great hardship. Hence, this court is inclined to attach the petition mentioned property under order 21 Rule 54, 64 and 66 of Civil Procedure Code. The point is answered accordingly.

7. In the result, the petition mentioned property is ordered to be attached under Order XXI Rule 54 of Civil Procedure Code. Attach and “TOM TOM” by 27.07.2026. Batta in a week.

Dictated to typist and computerized by her, and corrected and pronounced by me in the open court, this the 07th day of July 2026.

Subordinate Judge,
Mettur.

Petitioner Side Evidence : Nil.

Petitioner Side Exhibits :

Ex.P1- O.S.No.37/2011 – Certified copy

Ex.P2 – IA.No.158/2011 in OS.No.37/2011 petition and affidavit - Certified copy

Ex.P3 – 05.08.2024 Encumbrance certificate – online copy

Respondents Side Evidence : Nil.

Respondents Side Exhibits :

Ex.R1 – 14.04.2025 Encumbrance certificate – online copy

Subordinate Judge,
Mettur