

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.13/2025****in****O.S.No.256/2017**

M.Sagadevan

Represented by Power of Attorney holder C.Mani

... Petitioner /D.H

/ Versus /

T. Manimegalai

... Respondent / J.Ds.

This application coming up for final hearing on 23.06.2026 in the presence of Tr.P.Gopinath Advocate appeared for the Petitioner /D.H and Presence of Tr.M.K.Arjunan Advocate appeared for the Respondent 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 suit before this court in O.S.No.256/2017 and got a decree against the respondent for a sum of Rs.5,00,000/-with subsequent interest. Till date the respondent has 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 respondent :

The petition filed by the petitioner is false, frivolous, vexatious and not sustainable under law and on facts. The respondent has further stated that the respondent has deposited a sum of Rs.6,59,471/- before this court on 15.02.2022. The respondent has also filed review petition before this court in IA No. 5/2025. It is further stated that this court failed to consider the law and passed the decree against the respondent. Therefore, the respondent has prayed to dismiss the petition.

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.256/2017 before the Original Suit at Mettur and got the decree amount of Rs.5,00,000/- along with the interest of 12% per annum from the date of suit till date of decree along with interest at 6% per annum from the date of decree till the date of realization on the suit amount.

(6.2) On perusal of award it is found that the respondent directed to pay a sum of Rs.5,00,000/- to the petitioner. Since the respondent has not satisfied the decree amount, the petitioner has come forward with this petition for execution. Since the respondent has 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 respondent 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 03.08.2026. 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 : Nil.
Respondents Side Evidence : Nil.
Respondents Side Exhibits : Nil.

**Subordinate Judge,
Mettur**