

**IN THE COURT OF ADDITIONAL DISTRICT JUDGE,
ADDITIONAL DISTRICT COURT, SIVAGANGAI.**

**Present: Tmt.R.Sathia Thara,M.A.,M.L.,
Additional District Judge,
Additional District Court,
Sivagangai.**

**Dated Friday, the 16th day of June 2023.
2054 Thiruvalluvarandu Subakruthu on Friday 01st day of Aani Thingal**

**E.P.No.3/2022
in
Arb.No. 44/2019**

M/s.Sriram Transport Finance Company Ltd.,
No.270 Allahabad Bank Upstairs, Near Income Tax Office,
Sekkalai, Karaikudi Taluk, Sivagangai District.
Represented by its Authorized signatory Ramkumar ... Petitioners/Decree holder

/Vs/

1. Selvi
2. Selvaraj
3. Abbar ... Respondents/Judgment Debtors

This petition is coming up for final hearing before me on 08.06.2023 in the presence of Advocate Thiru.S.Senthilraja, counsel for the petitioner and Thiru.K.R.Ramarajan, counsel for respondents and respondents called absent set exparte for non appearance for enquiry and on hearing petitioner side and on perusal of records and having stood over for consideration till this date, this court would deliver the following:

ORDER

Petition filed Order 21 Rule 54 and 66 of the Code of Civil Procedure to attach and sale of petition mentioned immovable property of the 1st respondent and to realize the award amount.

2. The petitioner filed this petition with the decree in Arbitration case No.44/2019, Thiruchirappalli for the claim of award amount with subsequent interest from the 1st respondent. The 1st respondent has obtained the loan from the petitioner and failed to repay the same as per agreement. Even after award the 1st respondent did not pay the award amount of Rs.10,14,567.00/-. Against this order appeal was not preferred by the 1st respondent. Hence the present E.P. is filed to recover the amount with subsequent interest by attachment and sale of immovable properties of the 1st respondent in public auction.

3. After causing sufficient service of summon the respondent present before this court and the respondents filed counter as ready to pay the loan amount with reasonable interest but remained exparte.

4. Neither any witness was examined nor any documents marked on the side of the petitioner.

5. Now the point that has to be decided is whether it is necessary to attach and sale the immovable properties of the respondent in public auction to realize the award amount.

6. This court on considering and perusing the records as the 1st respondent is not taking effective steps to make payment of award amount even after the date of the award, and as this executing court cannot go behind the decree. The only remedy available is the attachment of immovable property by an order prohibiting the judgment-debtors from transferring or charging property in any way and so to enable for proclamation of sale by public auction in execution of the decree. Hence, to enable the decree holder to obtain fruits of decree as respondents evading to comply awards, attach the 1st respondent property by 17.07.2023. Accordingly this point is answered.

In the result, petition allowed. Attach the 1st respondent property by 17.07.2023. Batta in a week.

Dictated by me to the typist and typed and computerized by him, in my presence and corrected and pronounced by me in open court, this the 16th day of June 2023.

Additional District Judge,
Sivagangai.

LIST OF PETITIONER SIDE WITNESS & DOCUMENTS: NIL

Additional District Judge,
Sivagangai.

ADDITIONAL DISTRICT COURT,
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ORDER

DATE: 16.06.2022