

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

Present:	Tmt.R.Sathiathara,M.A.,M.L., Additional District Judge, Additional District Court, Sivagangai.
-----------------	---

**Dated Wedesday, the 19th day of October'2022
2052 Thiruvalluvarandu Sri Pilava Wedesday 02ndday of Iyppasi Thingal**

**E.P.No.39/2021
in
Arb. No.135/2016**

M/s. Shriram Transport Finance Co. Limited,
Sivagangai,
Represented by its Power Agent,
Tr.Anandakumar.

... Petitioner/Decree holder

/Vs/

1. A.Selvam
2. S.Arockiam

... Respondents/Judgment Debtors

This petition is coming up for final hearing before me on 14.10.2022 in the presence of Advocate Thiru.S.Senthilraja, counsel for the petitioner and Thiru.S.Rajasekaran, counsel for the Respondent No.1 and 2 and as counter not filed on the side of R.1, R2 called absent set exparte and on perusal of records and having stood over for consideration till this date, this court would deliver the following.

ORDER

1. This petition has been filed by the petitioner/decreed holder under order 21 rule 37, 38 of the Code of Civil Procedure to pass an order to issue warrant against the respondents/judgment Debtors, to realize the award amount with subsequent interest and cost from the Respondents/Judgment Debtors.

Brief Averments of Petition:

2. The petitioner filed this petition with the decree by Arbitral Tribunal, Pudukottai (Arbitration Case No.135/2016) to issue warrant against the respondents to realize the award amount with subsequent interest. The respondents have obtained the loan from the petitioner and failed to repay the same as per agreement. Even after arbitral award the respondents did not pay the award amount of Rs.17,32,531/-with subsequent interest. Against this order appeal was not preferred by the respondents. Hence, the present E.P. is filed before this court for the arrest of respondents for realization of award amount.

3. After causing sufficient service of summon the respondents have appeared before this court, but counter not filed by the respondents and called absent set exparte.

4. On the side of the petitioner, its Manager Thiru.Anandakumar was examined as PW.1. No documents have been marked on the side of the petitioner.

5. Now the point that has to be decided is whether warrant is to be issued against the respondents to realize the award amount.

6. This court on considering the means affidavit of P.W-1 and perusing the records as the respondents are not taking effective steps to make payment of award amount and evading to repay, this executing court as cannot go behind the decree and to enable the decree holder to realize the fruits of the decree direct to issue warrant of arrest and thereby ordered for arrest by 21.11.2022. Accordingly this point is answered.

In the result petition allowed. Arrest by 21.11.2022. 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 19th day of October 2022.

Additional District Judge,
Sivagangai.

LIST OF PETITIONER SIDE WITNESS:

P.W-1 Anandakumar

LIST OF PETITIONER SIDE DOCUMENT: NIL

Additional District Judge,
Sivagangai.

E.P.39/2021

Orders Pronounced:

Dated: 19.10.2022

In the result, to enable the decree holder to realize the fruits of the decree direct to issue warrant of arrest and thereby ordered for arrest by 21.11.2022 Batta in a week.

Additional District Judge,
Sivagangai.

ADDITIONAL DISTRICT
COURT, SIVAGANGAI.

E.P.No.39/2021 in
Arb.No.135/2016

FAIR / DRAFT ORDER
DATE: 19.10.2022