

**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 11th day of August 2023.

2054 Thiruvalluvarandu Subakruthu on Friday 26th day of Aadi Thingal

**E.P.No.36/2022
in
O.S. No.10/2021
in
TNSV010061352022**

Anthonoraj ... Petitioner/Plaintiff

/Vs/

Arockiaraj ... Respondent/Defendant

This petition is coming up for final hearing before me on 11.08.2023 in the presence of Advocate Thiru.G.Senthilkumar, counsel for the petitioner and respondent called absent set exparte for non appearance and on hearing the 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 under Order 21 Rule 22, 54, 66 & 72 of the Code of Civil Procedure to recover the award amount from the respondents by attach and sale of

immovable property under sale proclamation and in public auction sale and to permit petitioner to bid and set off.

2. The petitioner filed this petition with the decree in O.S No.10/2021 for the claim of decree amount with subsequent interest from the respondent. Even after decree the respondent did not pay the decree amount of Rs.10,45,000/-. Hence the present E.P. is filed to recover the decree amount with subsequent interest by attachment and sale of immovable properties of the respondent in public auction and to permit the petitioner to bid and set off.

3. After paper public effected the respondent called absent set 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 respondents in public auction to realize the decree amount.

6. This court on considering and perusing the records as the respondent is not taking effective steps to make payment of decree amount even after the date of the decree, 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 and if necessary the decree holder can be given opportunity to bid or for purchase of property with the permission of this court. Accordingly this point is answered.

In the result, to enable the decree holder to obtain fruits of decree as respondents evading to comply decree, issue sale notice and tom tom for public auction by 12.09.2023.

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 11th day of August 2023.

Additional District Judge,
Sivagangai.

LIST OF PETITIONER SIDE WITNESS & DOCUMENTS: NIL

Additional District Judge,
Sivagangai.

ADDITIONAL DISTRICT COURT,
SIVAGANGAI.

E.P.No.36/2022

in

O.S No.10/2021

ORDER

DATE: 11.08.2023