

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

**Present: Thiru. C.SANKAR, B.A. M.L. PGDCFS.,
Additional District Judge [FTC],
Full Additional Charge,
Theni.**

Monday, the 17th day of November 2025.

CNR.No.TNTH01 005647 2023

EP.No.90/2022

- in -

Arb. C.No.40/2019

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**Shriram Transport Finance Company Limited.,
Theni.**

... Petitioner

**By its Authorised Representative
P.Maruthupandi**

(Amended as per Order in EA.No.03/2025 dated 28.08.2025)

// Vs. //

1. Joseph

2. Amutha Kumar

... Respondents

This Petition came up for final hearing before this Court on 01.11.2025, in the presence of Mr.K.Tamil Mani, Learned Counsel for the petitioner and respondents are remained exparte and upon perusing the Petition, Means Affidavit and Documents and upon hearing the petitioner side and having stood over for consideration till this day, this Court delivered the following.....

ORDER

This Petition is filed by the petitioner/claimant under Order 21, Rule 37 and 38 of CPC to the Arrest Warrant issued against the respondents/respondents.

Averments made in the Petition is filed by the petitioner/claimant in brief is as follows:

2). The award in the original Arbitration Tribunal Award was passed on 31.10.2019 and the present petition, the petitioner/claimant payment of Rs.17,76,670/- for the period of 01.11.2019 to 24.11.2022 with 18% interest of Rs.9,79,833/-, Cost of application of Rs.20/-, cost of Rs.2,900/- and Advocate Fee amount of Rs.3000/- a totalling amount of Rs.27,62,423/-. However, the respondents/respondents die not pay any award amount and interest thereon. The respondents/respondent has not filed an Appeal against the award. Therefore, the petitioner/claimant has filed this petition under Order 21, Rule 37 and 38 of CPC and directing the respondents/respondents to collect the said amount by issued Notices to the respondents/respondents and then executing the Warrant and detaining the respondent/respondents in Civil Prison. Hence, this petition has to be allowed.

3). The respondents/respondents are remained exparte.

4). On the side of the petitioner/claimant, the petitioners/claimant was examined as P.W.1 and there was No Documentary Evidences let by the petitioner/claimant.

5). **Point for determination:**

1. Whether this petition can be allowed or not ?

Point No.1.

6). The Learned Counsel for the petitioner/claimant side argued that, the award in the original Arbitration Tribunal Award was passed on 31.10.2019 and the present petition, the petitioner/claimant payment of Rs.17,76,670/- for the period of 01.11.2019 to 24.11.2022 with 18% interest of Rs.9,79,833/-, Cost of application of Rs.20/-, cost of Rs.2,900/- and Advocate Fee amount of Rs.3000/- a totalling amount of Rs.27,62,423/-. However, the respondents/respondents die not pay any award amount and interest thereon. The respondents/respondent has not filed an Appeal against the award. Therefore, the petitioner/claimant has filed this petition under Order 21, Rule 37 and 38 of CPC and directing the respondents/respondents to collect the said amount by issued Notices to the respondents/respondents and then executing the Warrant and detaining the respondent/respondents in Civil Prison.

7). **Heard and perusal of records.** In the Means Affidavit filed by the petitioner/claimant, the respondents/respondents have filed this petition to recover the outstanding amount due to their company in the original case. The Arbitration Tribunal had passed an Award in favour of their company on 31.10.2019. Further, the 1st respondent is working as a Driver and earn Rs.30,000/- per month and the 2nd respondent does agriculture and earn Rs.20,000/- per month. The 1st and 2nd respondents are close friends and further, the 1st and 2nd respondents have a lot of cash in their hands. Despite having sufficient facilities to pay the loan amount, the above respondents/respondents are wasting time without paying the amount due to the petitioner/petitioner's company. If the Arrest Warrant issued against the respondents/respondents only the award amount with consequent interest should be paid by the respondents/respondents and failing which if the Order an Arrest of the respondents/respondents by this Court the petitioner/claimant will suffer great loss of hardship.

8). As stated in the petitioner's petition, even after 1 year, 1 month, 9 days from the date of issuance of the award, the respondents/respondents have not paid the Award amount to the petitioner/claimant. The respondents/respondents have not filed

an Appeal against the award. After the Award, no evidence has been filed by the respondents/respondents to pay the award amount to the petitioner/claimant. Furthermore, since the respondent/respondents have denied the allegations made by the petitioner/claimant and the respondents/respondents have not appeared before this Court and has not raised any objection. Hence, this Court is of view that, the respondents/respondents have failed to pay the petitioner/claimant's claim as alleged in the petition.

9). In the result, this Petitioner/claimant's Petition is Allowed With Costs and Arrest the respondents/respondents by 18.12.2025. Batta in three days.

Dictated by me directly typed by Stenographer into computer, corrected and pronounced by me in the open Court, this the 17th day of November, 2025.

**Additional District Judge,
(Full Additional Charge)
Theni.**

Evidence on the side of the petitioner/claimant:

P.W.1. - P.Maruthupandi (Senior Business Executive).

Petitioner/claimant side Documents: Nil.

Respondents/respondents side Nil.

Witnesses and Documents:

**Additional District Judge,
(Full Additional Charge)
Theni.**

Fair: Order.

E.P.No.90/2022

- in -

Arb.C.No.40/2019

ADJ[FAC],

Theni

Dated 17.11.2025.

