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(E.P. No.125 of 2023 in A.C. No.128 of 2019)

**IN THE COURT OF THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PERIYAKULAM, THENI DISTRICT.**

**Present: Thiru. C.SANKAR, B.A. M.L. PGDCFS.,
Additional District and Sessions Judge,
Periyakulam, Theni District.**

Thursday, the 30th day of April, 2026.

EXECUTION PETITION No.125/2023

- in -

ARBITRATION CASE No.128/2019

CNR.No.TNTH090012092023

M/s.Shriram Finance Limited.,
(Formerly known as M/s.Shriram Transport
Finance Company Limited)
by its authorised representative (Power of Attorney)
Maruthupandi
(Amended as Per EA. No 06/2026, dated 18.02.2026)

**... Petitioner/
Decree holder**

// Vs. //

**1. Chinnasamy
2. Muthupandi**

**... Respondents/
Judgment debtors**



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This Petition came up for final hearing before this Court on 21.04.2026, in the presence of Mr.K.M.Rajan, Learned Counsel for the petitioner/deGREE holder and Respondents/judgment debtors are remained exparte and upon perusing the petition, proof affidavit and documents and upon hearing the petitioner/deGREE holder side and having stood over for consideration till this day, this Court delivered the following...

ORDER

This petition is filed by the petitioner/deGREE holder under Order 21, Rule 37 and 38 of CPC to issue on arrest warrant against the respondents.

Averments made in the petition in brief is as follows:

2. The award in the original Arbitration case was passed on 25.01.2020. In the present petition, the petitioner/deGREE holder has sought payment of Rs.23,89,664/- for the period of 26.01.2020 to 15.04.2023 with 18% interest (1175 Days) of Rs.12,25,632/- and for the period of 16.04.2023 to till date of realisation with interest at 18% and the cost of Rs.5920/- total amount of Rs.36,21,216/-. However, the respondent/judgment debtors did not pay any award amount and interest thereon. The respondents have not filed an appeal against the award. Therefore, the petitioner has filed this petition under Order 21, Rule 37 and 38 of CPC and directing the respondents to collect the said amount by issued notices to the respondents and then executing the warrant and detaining the respondents in civil prison.



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3. Respondents are remained exparte.

4. Point for determination:

1. Whether this petition can be allowed or not ?

Point No.1.

5. Heard and perused the records. The Learned Counsel for the petitioner/decree holder argued that, the award in the original Arbitration case was passed on 25.01.2020. In the present petition, the petitioner/decree holder has sought payment of Rs.23,89,664/- for the period of 26.01.2020 to 15.04.2023 with 18% interest of Rs.12,25,632/- and for the period of 16.04.2023 to till date of realisation with interest at 18% and the cost of Rs. 5,920/- total amount of Rs.36,21,216/-. However, the respondent/judgment debtors did not pay any award amount and interest thereon. The respondents have not filed an appeal against the award. Therefore, the petitioner has filed this petition under Order 21, Rule 37 and 38 of CPC and directing the respondents to collect the said amount by issued notices to the respondents and then executing the warrant and detaining the respondents in civil prison.



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6. In the means affidavit filed by the petitioner the respondents have borrowed a sum of Rs.2,30,000/- from the company for the vehicle loan and has been paying interest on it, and has failed to repay the loan as per the terms of the loan Agreement. A case has been filed against the respondents before the Arbitration Tribunal and award has been passed against the respondents in its case dated 25.01.2020. The award has been passed by the Tribunal and the respondents have not paid any interest on the award in till date and the respondents have not paid the award amount and the respondents are responsible to pay the award amount and costs and the respondents hold cash in hand amounting up to Rs.30,00,000/-. That, the respondents are working as drivers and drawing a monthly salary of Rs.25,000/- and the respondents having more funds as cash in hand. If the arrest warrant issued against the respondents only the decree amount with subsequent interest should be paid by the respondents and failing which if the order an arrest to the respondents by this Court the petitioner will suffer great loss and hardship.

7. As stated in the petitioner's petition, even after 24 months from the date of the issuance of the award, the respondents have not repaid the award amount to the petitioner. The respondents have not filed an appeal against the award. After the order, no evidence has been filed by the respondents to repaid the award amount to the petitioner. Furthermore, since the respondents have denied the allegations made by the petitioner and the respondents have not appeared before this Court and has not raised



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any objection. Hence, this Court is of the view that, the respondents have failed to pay the petitioner's claim as alleged in the petition.

8. In the result, this petitioner's petition is allowed with costs and arrest the respondents by 30.06.2026. Batta in three days.

Dictated by me directly typed by Stenographer into computer, corrected and pronounced by me in the open Court, this the 30th day of April 2026.

Additional District and Sessions Judge,
Periyakulam.

Petitioner/decreed holder side Witnesses Nil.
and Documents:

Respondents/judgment debtors side Nil.
Witnesses and Documents:

Additional District and Sessions Judge,
Periyakulam.



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Additional District &
Sessions Court,
Periyakulam, Theni
District.

Fair: Order

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Arb.No.128/2019

Dated 30.04.2026.