

**IN THE COURT OF THE II ADDITIONAL DISTRICT & SESSIONS JUDGE,
THANJAVUR.**

**Present :Thiru. P.Nagarajan, M.A.,M.L.,
II Additional District & Sessions Judge, Thanjavur.**

**Wednesday the 18th day of March 2026
(Thiruvalluvar Aandu 2057- Panguni Matham 4th day)**

E.P. No.430/2025 in ACP.No.3773/2023

CNR No.TNTJ 01-009161-2025

M/s. Aparna Industries,
Rep. By its Proprietor Malar

.....Petitioner/Decree Holder

/Vs/

The Block Development officer,
Thanjavur.

.....Respondent/Judgment Debtor

This petition was taken on file on **29.10.2025** on the file of the Principal District Court, Thanjavur and made over to this court on **12.11.2025**. This petition having come up for final hearing before me on **13.03.2026** in the presence of A.Anuradha, Advocate for the Petitioner and Thiru.R. Shanmugasundaram, Government Pleader appeared for respondent and upon hearing the arguments of both side, upon perusal of the entire material records pertaining to the case and the matter having stood over for consideration till this date, this court passed the following...

ORDER

1) The Petitioner filed this petition under order 21 Rule 43, 66 of C.P.C. for recovery of Rs.29,57,659/- from the Respondent/Judgment Debtor by way of attach and sale of movables of Respondent/Judgment Debtor.

2) The Gist of the affidavit filed by the petitioner:

The petitioner/deGREE holder got a decree in ACP.No.3773/2023 against the respondent on 06.11.2024. As per decree the respondent is to be ordered that to pay a sum of Rs.15,89,093/-, interest of Rs.13,68,566/- from 24.04.2021 to 24.09.2025 and totally Rs.29,57,659/-. If the respondent failure to do so, attach and sale of movables of the petition mentioned and to be ordered to sale in public auction and the amount to be realized to the petitioner. Hence pray to allow this petition.

3) The gist of the counter filed by the respondent:

The petition is not maintainable either in law or on the facts of the case. The respondent specifically and categorically denied the claim awarded in the arbitration award No.3773/203 and the claim raised in the execution petition. The rate of interest claimed by the petitioner is highly excessive. The respondent is taking steps to prefer an appeal/revision against the unilateral award passed by the arbitrator. The entire arbitration award is highly erroneous and enforceable. The claim raised in the petition is highly excessive. Hence pray to dismiss the execution petition.

4) Now the point for consideration is:

Whether the petitioner is entitled to the relief sought for?

5) The learned counsel for the petitioner would contend that in the ACP. No.3773/2023 decreed in favour of the petitioner against the respondent for a sum of Rs. 15,89,093/- and interest Rs.13,68,566 /- from 24.04.2021 to 24.09.2025 and totally Rs.29,57,659 /-. Since the respondent failed to pay the said amount the present

E.P. is filed for recovery of the said amount to attach and sell the schedule mentioned property.

6) In contra, the learned counsel for respondent argued that the respondent is taking steps to prefer an appeal against the unilateral award passed by the arbitrator and the award is highly erroneous and endoraceable one hence pray to dismiss the application.

7) Both side arguments heard. Perused the case records. The petitioner has filed a claim petition before this council for non payment of bills by the respondent. The petitioner has obtained work order from the respondent vide No.ந.க.எண்.4846/2020/ஆ 3 dated.09.02.2021 for the supply of solid waste management tools for sanitary workers of village panchayat. The petitioner has supplied the said items which were duly received by the respondent without any objection. The petitioner has raised two invoices against the respondent for an amount of Rs.15,89,093/- The respondent has failed to make payment. Hence the petitioner approached this council for the claim. During conciliation proceedings held on 09.07.2024 and 03.09.2024, the respondent appeared through video conference. After wards the respondent was not responding to the arbitration proceedings. The respondent was required to make payment and the petitioner has asked the respondent over representation letters, phone and e-mail to make the payment time and again, but the respondent failed to make the payment. There was no explanation for not making the payment.

8) Thereafter no response was received from the respondent in the consecutive hearings and also the council decides to proceed ex parte, since the respondent has failed to appear. There after the arbitration award is passed that the buyer (i.e) the respondent was bound and liable to pay the due amount of balance of Rs.15,89,093/- along with interest of Rs.13,68,566/- total amount of Rs.29,57,659/-. In this petition the respondent counsel taking steps to prefer an appeal against the unilateral award passed by the arbitrator and the award is highly erroneous and endorseeable one hence pray to dismiss the application. But as on date there is no appeal. Even after filing this execution petition there is no settlement between the parties. In between the learned counsel for respondent submitted that the decree amount would be paid within the time limit stipulated by the Court. The said submission was accepted by this court.

In final this petition is allowed. Ordered to pay the decretal amount to the petitioner within four weeks of time by the respondent. For further orders call on 20.04.2026.

Dictated to the Steno-Typist by me, transcribed by her in computer, corrected and pronounced by me in open court, this the **18th day of March 2026**.

**II Additional District and Sessions Judge,
Thanjavur.**

Petitioner and Respondent side
exhibits and witnesses: Nil

**II Additional District and Sessions Judge,
Thanjavur.**

Order in
E.P. No.430/2025 in
ACP.No.3773/2023
Dated: 18.03.2026.