

IN THE COURT OF THE PRINCIPAL SUBORDINATE JUDGE OF THANJAVUR

PRESENT: K. Sivasakthivel Kannan, B.A., M.L.,

Principal Subordinate Judge, Thanjavur.

Friday the 8- th day of July 2022

(Thiruvalluvar Andu 2053 Subagiruthu varudam Aani madham 24th day)

E.P.No.211/2021 in ARC.No.50/2020

CNR.No.TNTJ030009632021

Manappuram Asset Finance Ltd.,
Valapad (Po), Thrissur,
Rep. By its Field Officer
Authorized Agent V. Iyappan

.....Petitioner/Claimant

Vs.

1) S. Jayaseelan Sammantham
2) J. Gayathri Jayaseelan
2) R. Vasugi Ramamoorthy
3) S. Iyyappan sundaramoorthy

... Respondents/Judgment Debtors

This petition came up before me on 10.06.2022 in the presence of Thiru.K. Ramanathan, Counsel appearing for the Petitioner/Decree Holder and notice served to 3rd respondent and the 3rd respondent was called absent set exparte and upon perusing the documents, having stood over for consideration this court delivered the following:

ORDER

The Petitioner/ Decree Holder filed this Execution Application for attachment of immovable property belongs to the 3rd respondent Mrs. R. Vasugi Ramamoorthy on the basis of a decree passed on 05.03.2021 in ARC.No.50/2020 in the Arbitration Proceedings and filed this application Under Order 21 Rule 54, 66 and Section 151 of C.P.C.

2. Brief facts of the Execution petition

The petitioner/Decree Holder filed this Execution application for receiving Rs.2,99,855/- the principal amount and interest Rs.51,250/- costs of Rs.7,526/- totally Rs.3,58,631/- on attaching the immovable property of third respondent on the basis of the decree passed on 05.03.2021 in A.R.C.No.50/2020 of the Arbitration Tribunal.

3. Notice sent to the respondent/3rd respondent and the same is served on 10.06.2022 and called absent set exparte.

4. Point for consideration in this application is:

Whether attachment can be ordered as prayed by the Petitioner/Decree Holder?

5. As per the Arbitration Case No.50/2020 dated:05.03.2021 the respondents liable to pay Rs.2,99,855 along with interest of 15% from 31.07.2020 and costs of Rs.5,000/- jointly and severally. Hence on the basis of the award the petitioner/decreed Holder filed this Execution Application to claim a sum of Rs.3,58,631/- on attaching the 3rd respondent's property scheduled in the petition situated at Thanjavur Town, comprised in Survey No.21/Part extent of 720 sq. feet. The said property was purchased by the 3rd respondent as per the documents No.3 filed along with the Execution Application. The said Mrs. R. Vasugi Ramamoorthy purchased the said land from Kaliamoorthy on 19.05.2003. It is learned from the said document the property belongs to the respondent/3rd respondent. As per the award the respondents are jointly severally liable. Hence the property can be attached to execute the award passed in A.R.C.No.50/2020 Dated:05.03.2021.

6. In fine, attachment of schedule mentioned immovable property is ordered. Attach by 05.08.2022. Attachment batta to be paid by the Petitioner/Decree Holder within 1 week.

Dictated to the Steno-typist, direct typed by her and corrected and pronounced by me in open court this the 8th day of July 2022.

Principal Subordinate Judge,
Thanjavur.

Petitioner side evidence and documents: Nil
Respondents side evidence and documents: Nil

P.S.J. Tnj.

Order in EP.211-2021

Dt:8.7.2022.