

**IN THE COURT OF THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THIRUVALLUR @ POONAMALLEE**

**Present : Tmt. G. Bhuvanewari, B.L.,
II Additional District and Sessions Judge,
Thiruvallur @ Poonamallee.**

On this Friday, the 10th day of October 2025

E.P. No.26 of 2020 in Arbitration Case No.482 of 2019

M/s. Shriram Transport Finance Co. Ltd.,
represented by its authorised representative
Mr. Raveendran,
Having its office at 3rd Floor, No.4, Lady Desika Road,
Mookambika Complex, Mylapore,
Chennai – 600 004.

.. Petitioner / Decree Holder

- Vs -

1. Mr. N. Dhanakumar,
No.2/10, Mulla Thottam 4th Street,
Poonamallee, Chennai – 600 056.
2. Mr. N. Srinivasan,
No.27, Ward 2, Pillaiyar Koil Street,
Ananthangal Arcot,
Vellore – 632 511

.. Respondents / Judgment Debtors.

This petition was coming up for final hearing before me on 19.09.2025 in the presence of Mr. S. Jayaprakash, Mr. V. Nirmalraj and Mr. S. Mahabu, learned counsel for Petitioner/Decree Holder and Mr. V. Saravanan and Mr. J. Manobalaji, learned counsel for the 1st Respondent/ 1st Judgment Debtor and 2nd Respondent/ 2nd Judgment Debtor was called absent and set exparte, on perusal of entire material records and upon hearing the arguments on the Petitioner's side and 1st Respondent having stood over till this day for consideration this Court passed the following :

Order

This petition filed by the Petitioner/Decree Holder under Order 21 Rule 43, 64 and 66 of CPC prays for realisation of the amount of a sum of Rs.22,65,395/- described in Column 9 of the petition and that this Court to attach and sell the movable properties of the Respondents 1 and 2 /Judgment Debtor 1 and 2 described in the schedule hereunder, under Order 21 Rule 43, 64 and 66 of CPC.

2) The Crux of the Counter filed by the 1st Respondent / 1st Judgment Debtor are as follows :

The Judgment Debtor denies all the allegations made in the Arbitration

Award and Execution Petition except those specifically admitted. He has been running a transport business under the name *Drowpathy Amman Transport* for over 30 years. In 2009, he obtained a vehicle loan from the Decree Holder for the purchase of a lorry bearing Reg. No. TN 09 AS-8456 and executed a Loan-cum-Hypothecation Agreement dated 07.05.2010 for Rs.7,73,656/-. The Judgment Debtor regularly paid monthly instalments till August 2011 and requested the Decree Holder to hand over the original RC book. As the RC book was not provided, he was unable to use the vehicle and parked it from September 2011. He had paid more than Rs.3,50,000/- towards the loan. In 2013, he was approached by the Field Officer for an OTS settlement, but the officials refused to consider his request. Subsequently, the Decree Holder's company seized the vehicle and, without his knowledge or consent, refinanced and re-hypothecated the same vehicle. Thereafter, it filed an Arbitration O.P. by suppressing material facts and obtained an ex parte award. Based on that, an Execution Petition was filed, and an ex parte arrest order was obtained on 16.09.2022 without serving any notice to the Judgment Debtor. He came to know of the proceedings only after the issue of the arrest warrant. The Judgment Debtor submits that his absence was

neither willful nor wanton and that he has valid defenses on merits. He further submits that no proper opportunity was given during arbitration and prays that reasonable time be granted to settle the dues amicably.

3) On the side of the Petitioner/Decree Holder and 1st Respondent/Judgment Debtor no witnesses were examined and no documents were marked.

4) Now, the point for consideration before this Court is whether the Petitioner/Decree Holder is entitled to issue warrant to attach and sell the movable properties for realisation of the amount of a sum of Rs.22,65,395/- from the Judgment Debtor?

5) **POINT :**

Heard the argument on the Petitioner and 1st Respondent side. Perused the documents.

6) The Decree Holder is the Petitioner in Arbitration No.482 of 2019. The Award executed between the Petitioner and Respondents on 28.09.2019. The Decree Holder filed this petition against Judgment Debtor for the realization of Rs.22,65,395/- in Arbitration No.482 of 2019. The 2nd Judgment Debtor was called absent and set exparte on 02.03.2023. Therefore this petition filed by the

Petitioner / Decree Holder under order 21 Rule 43, 64 and 66 of CPC to realize the E.P. claim amount. The averments stated in the Counter is not satisfactory, further Judgment Decree is not take any steps to settle the EP amount till date. Therefore, attachment is ordered to realize the E.P. amount, by way of attaching and selling the movable properties mentioned in the petition. The point is answered accordingly.

Attachment is ordered. Batta in 10 days. Call on 07.11.2025.

This Order is dictated to steno-typist, directly typed by her in computer, after making necessary corrections and pronounced by me in the Open Court, today this the 10th day of October 2025.

**II Additional District and Sessions Judge,
Thiruvallur @ Poonamallee.**

Witnesses and Exhibits on both sides : Nil.

**II Additional District and Sessions Judge,
Thiruvallur @ Poonamallee.**

Draft/ Fair Order

E.P. No.26 of 2020

in Arbitration Case

No.482 of 2019

Date : 10.10.2025

II A.D.S.C., Poonamallee.