

**III ADDITIONAL DISTRICT AND SESSIONS COURT,
TIRUVALLUR AT POONAMALLEE.**

Present : Thiru.C.VIJAYAKUMAR, B.A., B.L.,
III Additional District and Sessions Judge

Monday, the 20th day of July 2026

**E.P.No.37/2025
in Arb.No.624/2022**

M/s. Sriram Finance Ltd.,
formerly as M/s. Sriram Transport Finance Co. Ltd.,
No.6, 1st Floor, MTH Road,
Sneham Commercial Complex,
Padi, Chennai – 600 050.
rep by its SPA, Mr. S. Jayakumar.

...Petitioner / Decree holder

//Vs//

1) T.L. Srinathan, S/o. Lokaiya,
No.19/13, Kalaivanar Nagar,
Ponnamman Koil Street,
Padi, Chennai – 600 050.

2) Mr. Mani kandan, S/o. Narasimman,
No.19/13, Kalaivanar Nagar,
Ponnamman Koil Street,
Padi, Chennai – 600 050.

...Respondents / Judgment Debtors

This petition came up before this Court for final hearing on 22.06.2026 in the presence of M/s. T.S. Venkatesan learned counsels for the petitioner / decreeholder and respondents / judgment debtors set exparte on 19.01.2026 and upon hearing the both sides and on perusal of oral and documentary evidence, having stood over for consideration till this day, this court passed

the following:

ORDER

The petitioner filed this Execution Petition under Order XXI, Rule 22, 43 & 64 of the CPC, seeking the execution of the award passed in Arb.No. 624/2022 dated 13.09.2022 against the Judgment Debtors 1&2 , and prayed to attachment and sale of the movable property as mentioned in the execution application.

2) Breif Averments of the Petition filed by the Petitioner as follows :

The Petitioner / Decree Holder herein filed the Execution petition for the Execution of the Award in Arb.No. 624/2022 dated 13.09.2022 against the Judgment Debtors / Respondents 1 & 2 herein for attachment and sale of the movable properties for the realization of amount Rs.22,16,227.5/-. Hence the petition.

3) After being taken on file, this court issued notice to the respondents Jd1 & Jd2 were returned as 'left'. On 14.11.2025, Petition was filed under Order 5 rule 20 of CPC and the same was allowed. On 19.01.2026 the Respondents / Judgment debtors 1&2 called absent and set exparte.

4) On the side of the Petitioner/Decree Holder and Respondents/ Judgment Debtors, no witnesses were examined and no documents were marked.

5) Now, the point for consideration before this Court is whether the Petitioner/Decree Holder is entitled to an Order for attachment and sale

of movable property for realisation of the decreed amount ?

6) POINT :

Heard the argument of the Petitioner side. Perused the documents.

7) This Execution Petition has been filed by the Decree Holder under Order XXI, Rules 22, 43 & 64 of the Code of Civil Procedure, 1908, seeking to execute the decree dated 13.09.2022 passed in Arb.No. 624/2022 for the recovery of costs amounting to Rs.22,16,227.5/- from the Judgment Debtors 1&2.

8) The petitioner is the Decree Holder in the aforementioned arbitration award which has attained decree status. For the execution of the said decree, the present petition has been filed praying for attachment and sale of the specific movable property described in detail in the petition and reiterated in the schedule herein against Jd1 and Jd 2.

9) Upon taken the application on file notice was issued to the Judgment Debtor/Respondent 1&2 . The notices were not served and returned as 'left'. Consequently, an application under Order V Rule 20 of CPC for substituted service was filed by the Decree Holder and was allowed by this Court. Despite due publication, the Judgment Debtors 1&2 failed to appear. Accordingly, the respondents Jd1& Jd2 were set *ex-parte* on 19.01.2026. No witnesses were examined and no documents were marked by either side.

10) The arbitration award/decreed dated 13.09.2022 passed in Arb.No.624/2022 has not been stayed, set aside, or satisfied. The Judgment Debtors Jd1 & Jd2, having been served through substituted service and set *ex-parte*, has not contested the execution proceedings nor shown any cause against the attachment and sale. In the absence of any objection and upon being satisfied that the decree remains executable, this Court finds that the Decree Holder has made out a valid case for proceeding against the movable property as mentioned in the petition.

11) In result, this petition is allowed on following guidelines:

- (i) The movable properties of the Judgment Debtor 1&2 are hereby ordered to be attached under Order XXI, Rule 43 of the CPC.
- (ii) The attached movable property shall be sold in public auction for the realization of the decree debt, costs of execution, and all incidental expenses.
- (iii) Thereafter, the Decree Holder is directed to file the required process fee (Batta) to fix the valuation and upset price.
- (iv) The Court shall determine the reserve price and the terms and conditions of the sale in accordance with Order XXI, Rule 74 to 77 of the CPC.
- (v) Thereafter, ordered to issue a Sale Notice to the Judgment Debtor under Order XXI, Rule 66(1) of the CPC for settling the terms of the sale of movable property.

(vi) After that, a sale proclamation under Order XXI, Rule 66 of the CPC shall be prepared and published by beat of drum or other customary mode, as well as by affixation on the Courthouse and where the property is attached, at least seven (7) days before the date fixed for the sale as mandated by Order XXI, Rule 68 of the CPC. The sale venue, date, and sale officer will be intimated after the sale notice proceedings.

(vii) The net sale proceeds shall be applied firstly towards the costs of execution, and thereafter towards the satisfaction of the decree amount with applicable interest. The balance, if any, shall be returned to the Judgment Debtor.

Attachment Batta in 10 days. Call on **20.08.2026**.

Dictated to the typist directly, typed by him in the computer, corrected and pronounced by me in the open court, this the 20th day of July 2026.

**III Additional District and Sessions Judge,
Tiruvallur at Poonamallee.**

Exhibits and Witnesses on both sides :- Nil.

**III Additional District and Sessions Judge,
Tiruvallur @ Poonamallee.**