

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

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

**Wednesday, the 24<sup>th</sup> day of September 2025**

**E.P.No.03/2025 in O.S.No.388/2024**

Mrs. Kiruba Bhai, W/o late Ganesan  
aged about 77 years, F-2, Plot – 158,  
Venkatachalam Nagar, Sikarayapuram,  
15<sup>th</sup> Street, Thirumullaivoyil,  
Chennai-600 066.

..Petitioner/Decreeholder

Vs.

Mrs. Suriya Thilagam, D/o late Ganesan,  
No.218, 12<sup>th</sup> Street, Chowdhry Nagar,  
Valasaravakkam, Chennai-600087.  
Chennai-600092.

..Respondent/Judgment Debtor

This petition came up before me for final hearing on 01.09.2025 in the presence of M/s. M.A.Mathew Berchamans, K.Elangovan and A.Girinath, learned counsels for the petitioner/decreeholder and the respondent/judgment debtor remained *ex parte*, and upon hearing the petitioner/decreee holder side and on perusal of oral and documentary evidence, having stood over for consideration till this day, this court passed the following:

## ORDER

The decreeholder has filed the petition under Order 21 Rule 54, 64 and 66 of CPC for attachment and sale of schedule mentioned immovable property and proclamation of sale by public auction.

2) The Petitioner/Decree holder filed this execution petition to direct the Respondent/Judgment debtor to execute the sale deed as per the decree of this court in failing which this court may be execute and register the sale deed in favour of the Decree holder and delivery of possession with regard to the petition mentioned property.

3) The respondent/judgment debtor set exparte on 28.07.2025.

4) Now the point for consideration before this court is whether the Execution Petition is allowed or not?

5) The Petitioner/Decree holder filed this execution petition under Order 21 Rule 54, 64 & 66 CPC for attachment and sale of the petition schedule mentioned property belonging to the Judgment Debtor and proclamation of sale.

6) The respondent/judgment debtor set exparte on 28.07.2025.

7) The decree holder obtained a decree against the Respondent/Judgment debtor for recovery of Rs.22,55,000/- and the suit was decreed on 31.01.2025.

But the Judgment Debtor did not pay the decree amount till date and hence the decree holder filed this E.P. for the decree amount with interest at Rs.24,91,005/-.

8) In this E.P., the Judgment Debtor remained ex parte and not putforth their contentions against the prayer of the decree holder. This court by its order dated 31.01.2025, directing the Judgment Debtor to pay a sum of Rs.22,55,000/ with interest at 12% per annum from the date of plaint, till the date of realisation. But, the Judgment Debtor did not come forward to pay the decree amount and interest, the decree holder filed this E.P for attachment and sale of the E.P schedule mentioned property for realisation of the amount of Rs.24,91,005/-.

9) In the light of the non-payment, the Decree Holder is legally entitled to execute the decree by proceeding against the property of the Judgment Debtors. The mode of execution sought, namely, attachment and sale of the Schedule Property, is a legitimate and appropriate course of action under Order XXI of the CPC.

i. The Schedule Property, more fully described in the Execution Petition, is hereby attached in execution of the decree.

ii. Under Order XXI Rule 54 CPC, a prohibitory order prohibiting the Judgment Debtors from transferring or

charging the property in any way, and prohibiting all persons from taking any benefit from such transfer or charge, shall be prepared.

iii. The attachment shall be proclaimed by beat of drum at the village/locality where the property is situated, and a copy of the prohibitory order shall be affixed on a conspicuous part of the property and on the Court notice board.

In the result, this execution petition is allowed. Ordered to attach the E.P. schedule mentioned property by the way of send an attachment order to the concerned Sub Registrar Office and the procedure as provided under Order 21 Rule 54 (2) CPC. Posted for payment of attachment batta within a week. Call on

Dictated to the steno-typist, typed by her in the computer, corrected and pronounced by me in the open court, this the 24<sup>th</sup> day of September 2025.

Sd/- C.VIJAYAKUMAR  
III Additional District and Sessions Judge,  
Tiruvallur at Poonamallee.