

IN THE COURT OF THE DISTRICT MUNSIF, THIRUVOTTIYUR

Present: Thiru.R.Revanth., B.A.,L.L.B.,(Hons.)

District Munsif,

Thiruvottiyur

Tuesday, this the 7th day of April 2026

E.P.No.15/2025

in

O.S.No.10/2018

S.Babu

...Decree Holder/Petitioner

//Vs//

K.Kannaiyan

....Judgment Debtor/Respondent

This petition came up on 01.04.2026 for final hearing before me in the presence of M/s.J.Madhanraj and A.Malathi Learned counsels for Decree Holder/Petitioner and the Judgment Debtor/Respondent called absent set exparte on 19.01.2026 and upon hearing enquiry on Decree Holder/Petitioner side and having stood over for consideration till this date, this court made the following:

ORDER

This petition is filed by the petitioner under Order 21 Rule 43 and Sec 64 of CPC to issue a warrant of attachment and sale of movable properties of the Judgment Debtor as mentioned in the (Schedule) list of properties attached with this petition for the realization of the Decree amount.

2. Brief averments of the petition/affidavit filed by the Decree Holder/Petitioner in short are as follows:

The petitioner states that this present petition filed for the Decree Holder/Petitioner to issue a warrant of attachment and sale of Movable properties according to Order 21 Rule 43 and Sec 64 of CPC as mentioned in the (Schedule) list of properties attached with this petition of the Judgment Debtors for the realization of the amount of Rs.1,03,005/-. Hence this petition.

3. Notice served to Judgment Debtor. The Judgment Debtor called absent set exparte on 19.01.2026.

4. Now the point for consideration is whether the petition Order 21 Rule 43 and Sec 64 of CPC is to be allowed or not?

5. Heard the petitioner side.

Discussion and Findings:

6. The petitioner is having a valid decree in his favour for a sum of Rs. 1,03,005/- and he has filed this petition. This court finds the decree holder is seeking to attach the movable property of the Judgment Debtor found in the schedule to the petition. This court finds that movable properties of the Judgment debtor has been valued as Rs.1,03,005/-

7. Further, the Judgment Debtor has failed to turn up before this Court and to state whether he has preferred any appeal or revision against the decree passed in O.S No. 10 of 2018 dated 26.11.2019. Therefore, this Court is under the reasonable presumption under Section 119 of the Bharatiya Sakshya Adhiniyam, 2023 that no Appeal or Revision is preferred by the judgment debtor. This court is of the considered view that in order to reap the benefits of decree by the decree holder and in the interest of justice, this Court is inclined to allow this application. Thereby, the point for determination is answered in favour of the decree holder.

8. In the result, for the foregoing reasons, this execution Petition is hereby allowed. Attachment of movables of the Judgment Debtor by 30.04.2026 on payment of batta in a week. Call on 30.04.2026.

In the result, this Execution Petition is hereby allowed.

Dictated directly to the steno-typist, typed by her in the computer, corrected and pronounced by me in open court, this the 7th day of April 2026.

District Munsif,
Thiruvottiyur.

List of exhibits and witnesses on both sides: NIL

District Munsif,
Thiruvottiyur.