

EP 31/2024
in
Arb 55/2021

DATE 21.07.2026
Order

The Decree Holder has filed the present Execution Petition under Order XXI Rule 37 of the Code of Civil Procedure seeking the arrest of the Judgment Debtors and their detention in civil prison for their failure to satisfy the arbitral award.

1). It is the case of the Decree Holder that an arbitral award was passed in Arbitration Case 55/2021 on 07.08.2021, directing the respondents/Judgment

Debtors to pay the award amount. Since the Judgment Debtors failed to comply with the terms of the award, which has become enforceable in law, the present Execution Petition has been filed.

2). Notice ordered to the first respondent/Judgment Debtor could not be

served in the ordinary course. Thereafter, substituted service by way of paper publication was effected. Despite such substituted service, the first respondent failed to appear before this Court and was consequently set exparte on 14.10.2025.

3). The 2nd respondent refused to receive the suit notice and the same was returned with endorsement as 'Addressee refused' and also failed to appeared before the court. Hence the 2nd respondent was set exparte on 18.08.2025.

4). Heard the learned counsel for the Decree Holder. Perused the arbitral award and the other records available on file.

5). A perusal of the arbitral award reveals that the respondents/Judgment Debtors were directed to jointly and severally pay a sum of Rs.1,78,960/- to the Decree Holder

together with interest at the rate of 18% per annum from the date of the claim petition(01.03.2021) till the date of realization, besides costs. It is evident from the records that the award remains wholly unsatisfied.

6). Though the 1st respondent surved the court notice through paper publication he failed to appeared before the court and remained exapрте on 14.10.2025. The 2nd respondent/Judgment Debtor refused receive the court notice and not appeared before this Court and therefore failed to contest the present Execution Petition and remained exapрте on 18.08.2025. Further there is absolutely no material on record to indicate that the decretal amount has been paid, either wholly or in part, or that there exists any legal impediment to the execution of the arbitral award.

7). In the above

circumstances, this Court is satisfied that the Decree Holder has established sufficient grounds to proceed against the 1st and 2nd

respondent/Judgment Debtor under Order XXI Rule 37 of the Code of Civil Procedure.

8). Accordingly, this Execution Petition is allowed as against the 1st and 2nd

respondent/Judgment Debtor.

9). Issue warrant of arrest against the 1st and 2nd respondent/Judgment Debtor, returnable by 18.08.2026, on payment of the necessary batta within three days.

Pronounced by me in the open court on 21.07.2026.

Subordinate Judge,

Vaniyambadi.