

IN THE COURT OF DISTRICT MUNSIF, TIRUVARUR

Present: Thiru. S. Mohamed Basil M.Sc., B.L.,
District Munsif, Tiruvarur

Monday, 23rd day of June 2025
9th day of Tamil Month Aani, Visuvavasu year

E.P. No. 5/2025 in O.S.No. 52/2023

CNR No. TNTV04-000032-2024

Pandiyarajan ... Petitioner /Plaintiff /
Decree Holder

/Vs/

K. Ramamoorthy ... Respondent / Defendant /
Judgment Debtor

This petition are coming on 23.06.2025 for final hearing before this court in presence of Advocate Mr. V. Stalin, B.A., B.L., for petitioner. Defendant called absent set exparte. Having stood over for consideration till today, this court delivered the following:

ORDER

The petitioner / decree holder has filed this petition to arrest the respondent / judgment debtor in pursuant of the suit decreed dated 30.10.2023 in favour of petitioner.

It is the case of the petitioner that, the suit against the respondent for payment of money was decreed on 30.10.2023 in Hon'ble District Munsif Court, Tiruvarur and there is no appeal against the said decree and judgment. Further, in total Rs.66,199/- with subsequent interest and cost is payable by the respondent / judgment debtor in pursuant to the said decree. Even though the respondent has sufficient means he didn't make any payment in satisfaction of decree. Hence, this petition.

The respondent had not turned up and hence set exparte on 25.02.2025.

Now the question is whether the petition filed by the petitioner/deGREE holder has to be allowed or not?

On perusal of records, the suit was decreed on 30.10.2023 and there is no appeal against decree and judgment. A certified copy of said decree is attached. Accordingly, to the petitioner as on 26.02.2024 a sum of Rs.66,199/- is due and payable by respondent / judgment debtor with subsequent interest and cost. It is also contended by the petitioner that, respondent has sufficient means and defying the order of this Hon'ble Court. The petitioner also tendered means evidence as Pw1 in support of his averment. With reference to above facts in the petition, as respondent chosen to remain exparte, the said facts in the petition stands unassailed and satisfactory. In such circumstances, based on said above reasons and from the evidence of Pw1, this Court is of the view that the respondent has sufficient means to satisfy the decree amount and has failed to repay the same. Moreover, the decree passed by this court stating that, the respondent is directed to pay a sum of Rs.50,000/- as mentioned in the promissory note along with the 6% interest is executable. Hence, this Court finds merits in the petition filed by the petitioner / decree holder and inclined to hold that the petitioner is entitled to the relief as decreed.

In the result, for the above said reasons in the interest of justice, this petition stands allowed. Arrest by 09.07.2025. Batta in 3 days. Call on 09.07.2025.

Dictated to the steno typist and typed by her, corrected and pronounced by me in open court, this 23rd day of June 2025.

District Munsif,
Tiruvarur