

IN THE COURT OF THE I ADDITIONAL DISTRICT AND SESSIONS
JUDGE, VELLORE, VELLORE DISTRICT.

PRESENT: Tmt.G.Santhi, B.A., M.L.,
I Additional District and Sessions Judge,
Vellore.

Tuesday, the 3rd day of September, 2024

E.P. No. 109/2022 in O.S.No.75/2021

K.B.Chyuthanya

...Petitioner/ Decree Holder

-vs-

P.Rajesh Kumar

...Respondent/Judgment Debtor

This application came before me for final hearing on 19.08.2024 in the presence of Thiru.K.M.Boopathi, Advocate for the Petitioner, Respondent counter not filed and set exparte and on hearing the arguments of petitioner side, upon perusing the entire case records and having stood over for consideration till this day, this court passes the following;

ORDER

This petition is filed under Order XXI Rule 11 (2) of C.P.C., to attach and sell the schedule mentioned immovable properties of the respondent and to realize the above decree amount along with future interest and cost.

In the above E.P. was filed on 02.11.2022 and notice issued to the respondent. Once the petition affixed the respondent not appeared. Once served on his mother, even then the petitioner not appeared before this court. Then substituted service ordered and paper publication effected, respondent called absent. Service held sufficient, respondent set exparte.

On perusal of case records, the petitioner is entitled to recover the amount as per the decree. Since, the respondent evaded service. The petitioner is entitled to realize the E.P. amount by attachment of schedule mentioned property belongs to the respondent as per the Order XXI Rule 54 of CPC and in failure to pay the E.P. amount to sale deed property as per Order XXI Rule 66 of CPC. Accordingly, this petition is allowed. Attach by 14.10.2024.

In the result, the petition is allowed, attach the petition schedule mentioned property. Batta within 7 days. Attach by 14.10.2024.

Dictated by me to the Steno typist, transcribed by him, corrected and pronounced by me, in the open court, this, the 3rd day of September, 2024.

I Additional District and Sessions Judge
Vellore.