

**BEFORE THE ADDITIONAL LABOUR COURT, VELLORE,  
VELLORE DISTRICT.**

**PRESENT : Tmt.S.Uma Maheswari, M.L.,  
Presiding Officer (FAC)**

**Thursday, the 5<sup>th</sup> day of February, 2026**

**E.P. No.03 of 2023  
(CNR No.TNVL02-000040-2023)**

**IN  
C.P.No.248/2013**

S.Lurthu,  
S/o. Sowridass,  
No.14, I.S.Anthony Street,  
Udyanthiram,  
Vaniyambadi, .... Petitioner/Decree Holder  
Vellore District – 635 754.

**VERSUS**

The Management  
M/s.M.S.Builders,  
Aslam, S/o.Inaythullah,  
Mulla Street, .... Respondent/Judgment Debtor  
Khaderpet,  
Vaniyambadi,  
Vellore District.

This Execution Petition came up for final hearing on 09.01.2026 in the presence of Thiru.R.C.Appalo Paul, the Authorized Representative for the Petitioner and Thiru.K.Umar, the Advocate for the respondent. Upon hearing the arguments, upon perusing the material case records and having stood over for consideration till this date, this Court delivered the following:-

**ORDER**

This execution petition is filed by the petitioner to direct the respondent to pay the award amount with interest amount totalling to Rs.8,63,536/- in default to order for arrest of the Judgement Debtor for the realization of the award amount.

**1. Petition averments in-brief:-**

The petitioner preferred a C.P.No.248/2013 on the file of this court and obtained an order in his favour on 17.12.2013 for a sum of Rs.4,71,235/-. Based on the order the respondent's management was liable to pay the above said amount to the petitioner. Since the respondent's management failed to pay the amount as per the order of this court, the petitioner has filed this present Execution Petition for the arrest of the Judgement Debtor.

**2. Counter averments in-brief:-**

The respondent in his counter admitted the order passed in C.P.No.248/2013 in favour of the petitioner on 17.12.2013. But the respondent denies all the allegations stated by the petitioner except that are specifically admitted herein and puts the petitioner to strict proof of the same. The respondent states that the execution petition is not sustainable either in law or on the facts of the case. The calculation given in this petition is not correct and on this ground alone this petition is liable to be dismissed.

The Respondent/Judgement Debtor further states that the Decree Holder had obtained the award in C.P.No.248/2013 fraudulently. Hence, he preferred W.P.No.18007/2014 and the same was dismissed on

21.03.2023, but the respondent is intended to file Review Petition and also a Writ Appeal before the Hon'ble High Court, and as such the matter is subjudiced.

The Judgement Debtor further states that the Decree Holder had not obtained the award legally hence, this Execution Petition for the arrest of the Judgement Debtor is not maintainable. Further the claim amount mentioned in the Execution Petition is also not proper and the Decree Holder is not legally entitled for the claimed award amount. Therefore, he requests for the dismissal of the petition.

### **3. Points for consideration:-**

Whether this petition is liable to be allowed or not?

After hearing both the counsels, after perusing the petition and counter filed by the respective parties, this court comes to know that the petitioner has filed this execution application to realise the Computation Petition order amount passed in favour of him.

It is the case of the petitioner that he had raised an Industrial Dispute petition against the present Judgement Debtor and obtained award in his favour. Based on the award he has filed C.P.No.248/2013 and claimed monetary benefits and the said Computation Petition also ended in his favour. Further the Judgement Debtor herein has failed to comply the order and pay the monetary benefits to him. Hence, the Decree Holder has filed the above Execution Petition for the arrest of the Judgement Debtor to realise the award amount.

On the other hand, the Judgement Debtor contended that the petitioner had obtained the award illegally by suppressing the material

facts. Consequently, the order passed in the Computation Petition in favour of him is also not legally sustainable in law and hence, he requested for the dismissal of the petition.

This court after hearing both the parties comes to know that the Judgement Debtor herein has not disputed the award passed in favour of the Decree Holder in the Industrial Dispute as well as in the order passed in the Computation Petition. The Judgement Debtor had filed a W.P.No.18007/2014 and challenged the award passed in I.D.No.228/2011. By the time, the petitioner had also obtained orders in C.P.No.248/2013. Therefore the Hon'ble High Court considering the award passed in the Industrial Dispute, orders passed in the Computation Petition and the case of the Judgement Debtor, has come to a conclusion that the reasons assigned by the Judgement Debtor to challenge the award of the Labour Court is not sustainable, and ultimately the writ petition has been dismissed by the Hon'ble High Court on 21.02.2023. The Judgement Debtor who had preferred a W.A. challenging the order of the Hon'ble High Court was also dismissed on 28.01.2026. The order passed by this court has been confirmed by the Hon'ble High Court. Therefore the J.D has no other option except to comply the award and the order passed by this court. It is also admitted that till date the Judgement Debtor has not made any such payment to the Decree Holder, instead he has filed petitions after petitions and delayed the proceedings.

This court is of the view that the Judgement Debtor has not placed the sufficient materials before this court to accept their case. At the same time this court finds that the Judgement Debtor by stating one or other reason has intended to prolong the case and thereby preventing the Decree Holder in enjoying the fruits of the order

passed in the Computation Petition. The Decree Holder who has got favourable orders in his favour is lawfully entitled to execute the order of this court.

In view of the above discussion this Execution Petition is allowed.

For payment of arrest batta, arrest by 06.03.2026

Dictated to the Steno-Typist, typed directly in the Computer, corrected and pronounced by me in the Open Court, on this the 5<sup>th</sup> day of February, 2026.

**Presiding Officer (FAC),  
Additional Labour Court,  
Vellore.**