

**IN THE COURT OF DISTRICT MUNSIF, GUDIYATTAM,  
VELLORE DISTRICT.**

Present: **Tr.K.Karthick Asath, B.A.,B.L.,(Hons),LLM.,**  
District Munsif,  
Gudiyattam.

Saturday, this the 07<sup>th</sup> day of March 2026

**E.P.No.13/2024**  
**in**  
**ACP.No.195/2017**

M/S.Shriram Transport Finance Co.Ltd  
Rep by it Authorised Representative  
Mr.E.Pallavarajan, S/o.Elumalai,  
Senior Credit Executive,  
Gudiyattam.

.... Petitioner/ D.H.

// Versus //

1. Karthikeyan  
2. Sankar

.... Respondents/ J.Drs.

This execution petition came up before this Court on 06.02.2026 for final hearing in the presence of advocate Tr.P.R.Thulasi, the learned counsel for the petitioner and the 1<sup>st</sup> respondent/JD called absent and set exparte on 27.01.2025 and EP against 2<sup>nd</sup> respondent dismissed on 27.01.2025 and upon perusal of case records and having stood over for consideration till date, this Court delivers the following:

**ORDER**

The application has been filed under Order XXI Rule 37 and 38 of the Code of Civil Procedure, 1908 to issue notice to 1<sup>st</sup> respondent to realize the execution amount with interest thereon and costs and if he will fail to pay the same pleased to order for arrest him and to send him to civil prison and pass further order.

*District Munsif, Gudiyattam.*

**1. The averments of the petitioner in brief:**

The petitioner stated that, he is the decree holder in the EP. The respondents herein both respondents doing business and respondents earnings Rs.20,000/- per month and respondent also having immovable and movable properties and its worth about Rs.15,00,000/- and own houses at Gudiyattam worth about more than Rs.5,00,000/-. Since the respondents are having sufficient means to pay the amount but the respondent are evading to pay the EP amount. Hence the petitioner filing this execution petition for the arrest for the 1<sup>st</sup> respondents. It this Hon'ble court order for arrest for the 1<sup>st</sup> respondent.

2. 1<sup>st</sup> Respondent called absent and set exparte on 27.01.2025.

**3. Point for consideration :-**

Whether this application is liable to be allowed?

**4. Evidence :-**

On petitioner side the petitioner Pallavarajan examined himself as PW1 and no document is marked on petitioner side and on the side of respondent no oral or documentary evidence is produced.

5. Petitioner side enquiry heard.

**6. Discussion :-**

This Court, having considered the arguments advanced on petitioner side and thoroughly examined the pertinent case records, proceeds to delineate its findings by the following discussion.

*District Munsif, Gudiyattam.*

**6.1.** This execution petition is filed for arrest the 1<sup>st</sup> respondent upon failure of payment of money under the decree. The petitioner seeks to execute the decree dated 31.03.2017 passed in ACP.No.195/2017 against the 1<sup>st</sup> respondent. As per the decree the respondents directed to pay Rs.88,098/- to the petitioner jointly and severally together with the interest of 18% on the principal amount from the date of claim petitioner to till the date of decree and there after subsequent interest at the rate of 18% per annum till the date of realization is passed and with cost. But the respondents failed to pay the decree amount to the petitioner, hence the petitioner filed this execution petition against the 1<sup>st</sup> respondent for claiming Rs.88,098/- along with interest and cost.

**6.2.** In the execution petition the 1<sup>st</sup> respondent appeared on 19.09.2024 and but failed to appeared and file counter hence set exparte on 27.01.2025. On perusing the available records while the arbitration case is decreed on 31.03.2017 but till today the respondents was not challenged the decree, hence the decree against the respondents has to be executed. The petitioner himself examined as PW1 and submitted that the 1<sup>st</sup> respondent having own house for the worth of Rs.15 Lakhs and having movable properties for the value of Rs.15 Lakhs and the 1<sup>st</sup> respondent is doing own business and earning monthly Rs.20,000/-. He further submit that the 1<sup>st</sup> respondent have financial capacity to fulfill the decree and the 1<sup>st</sup> respondent having means to satisfy the decree. But the 1<sup>st</sup> respondent failed to pay the decree amount. On perusing the available records the 1<sup>st</sup> respondent failed to appear and specifically deny the assets and means pleaded by the petitioner. No stay is obtained by the 1<sup>st</sup> respondent.

*District Munsif, Gudiyattam.*

Therefore, this Court is inclined to allow this petition to enable the decree holder to enjoy the fruits of decree.

**7. Result :-**

As a result, this execution petition is allowed. Arrest of 1<sup>st</sup> respondent by 10.04.2026. Batta in a week.

Dictated to Steno typist directly, typed by him corrected and pronounced by me in the open Court on this the 07<sup>th</sup> day of March 2026.

**District Munsif,  
Gudiyattam.**

**Petitioner side Witnesses:-**

PW1          Pallavarajan

**Petitioner side Exhibits :-**          Nil

**Respondents side Witnesses and Exhibits :-**          Nil

**District Munsif,  
Gudiyattam.**

*District Munsif, Gudiyattam.*