

**IN THE COURT OF DISTRICT MUNSIF, KATPADI, VELLORE DISTRICT
PRESENT: THIRU. K.VENKATESAN, B.A., B.L.,
DISTRICT MUNSIF, KATPADI.**

Friday, this the 15th Day of December – 2023

**E.P.No. 01 of 2022
In
O.S.No. 47 of 2020
(CNR.No.TNVL23000-106-2021)**

Rubachandran

.....Petitioner/Decree Holder

-Vs-

P.Vijayakumar

.....Respondent/Judgment Debtor

This petition is coming before me for final hearing today, in the presence of Thiru. T.M.Sivakumar, the Counsel for the Petitioner and Respondent was called absent and set exparte. Upon perusing the entire case records and having stood before this court for consideration till this date, this court delivers the following:

ORDER

This petition has been filed by the petitioner under Order 21 Rule 37, 38 of Civil Procedure Code, to issue notice to the respondent and direct the respondent to pay the decree amount with future interest and in default issue arrest warrant and commit him to civil prison.

Records perused. Decree holder filed a memo on 6.12.2023 to transfer this EP as the Judgment Debtor is actually residing in Vellore Town which comes under the jurisdiction of Hon'ble District Munsif Court at Vellore. On careful perusal of records,

this EP is filed for execution of money decree by way of arrest and detention of JD in civil prison under Order 21 Rule 37, 38 of CPC. In this EP, the Judgment debtor was set exparte and as per the circulated Judgment of Hon'ble Madras High Court rendered in R.Paulraj -vs- Sunil Prakash, dated 2.12.2019 and following Order 21 Rule 37(2) of CPC, this court issued arrest warrant against Judgment debtor, and it is pertinent to note, as on date no means evidence is recorded. Even till date, the Arrest Warrant cannot be executed against Judgment debtor as he is actually resides at No.84, Ambedkar Nagar, Makkan, Vellore-632004. Though this court is empowered to execute the decree under Order 21 Rule 38 of CPC, this court considers that in order to expediate the execution of decree and to serve the fruits of decree to the decree holder, treats the memo of the decree holder as application and also following the section 39(1)(a)(d) of code of civil procedure, is inclined to transfer the decree for execution to the Hon'ble District Munsif Court, Vellore where within the jurisdiction, the Judgment debtor is actually and voluntarily resides. Hence the registry of this office is hereby directed to send this execution petition to the above said Hon'ble court within a week with proper manner.

Pronounced by me in the open court, this the 15th day of December 2023.

DISTRICT MUNSIF
KATPADI