

IN THE COURT OF DISTRICT MUNSIF, KATPADI, VELLORE DISTRICT
PRESENT: TMT. K.INBARANI, B.A.,B.L.,
(J.O.Code - TN02350)
DISTRICT MUNSIF, KATPADI

Tuesday, this the 1st Day of July – 2025

E.P.No. 8 of 2025
In
A.S.No. 6 of 2023
In
O.S.No. 74 of 2020
(CNR.NO.TNVL23-000172-2024)

M. Velu

.....Decree Holder/Plaintiff

-/Vs/-

T. Datchinamoorthi

.....Judgment Debtor/Defendant

This petition has come up today before this Court for orders, and upon hearing the argument of Thiru. K.M.Boopathi, the Counsel for the Decree Holder/Plaintiff and the Respondent was called absent and set ex-parte on 03.06.2025, and upon perusing the petition, and the available material records, and having stood over for consideration till this day, this court delivers the following:-

ORDER

1. This Execution Petition has been filed Under Order XXI Rule 54 and 64, 66 of CPC by the Decree Holder/Plaintiff seeking for execution to issue summons to the respondent and attach the schedule mentioned property for the realization of the decree amount.

2. After taking the Execution Petition on file, this Court had ordered notice to the Judgment Debtor/Defendant. Notice sent and served to the Judgment Debtor/Defendant's wife. After receipt of notice, the Judgment Debtor/Defendant has failed to appear & file counter. Hence, the respondent was called absent and set ex-parte on 03.06.2025.

3. The Learned Counsel for the Decree Holder/Plaintiff in his argument contented that the **decree** amount remain unpaid and as on date no appeal is pending against the decree. It is further contented by the Decree Holder side Counsel that the schedule mentioned properties belongs to the Judgment Debtor/Defendant, and he is in possession of the same, and prayed this Court to allow this Execution Petition. On the contra, the Respondent was called absent and set exparte on 03.06.2025.

4. **Points for Consideration:-**

- a) Whether the petition is entitled to be allowed or not?

5. **Answering to the Point:-**

5.1 Heard. Records Perused and considered the argument made by the learned counsel for the Decree Holder. It is seen that Appeal Decree was passed in AS.No.6/2023 on the file of the Hon'ble Sub Court, Katpadi on 23.08.2024 wherein the defendant is directed to pay a sum of Rs.90,000/- to the petitioner together with interest on principal amount at the rate of 12% per annum from the date of filing of the suit to till the date of decree.

5.2 The Decree attained finality. The decree amount remain unpaid. The liability of the Judgment debtor is already determined. This Execution Petition filed against the Judgment Debtor and he has not shown sufficient cause before this Court as to why this Execution Petition should not be proceeded against him and he was set exparte.

5.3 The petitioner contented that the respondent deliberately disobeyed the decree, prayed to pass an order execution of decree by attachment and sale of the schedule mentioned properties of Judgment Debtor, mentioned in the schedule. There is no rebuttal evidence. Considering the above all facts, this court satisfied that the respondent is having sufficient means failed to make payment towards the said decree amount. Having established the stated facts by the petitioner, this Court considering the above, and to realize the decree amount, this Court is inclined to bring the schedule mentioned properties of Judgment Debtor for sale by making an order of attachment over the same. Accordingly, the Point is answered in favour of the petitioner.

6. **Result:-**

From the above said discussions, in the interest of justice, this Execution Petition is allowed. The Judgment Debtor's petition mentioned properties are ordered to be attached. For attachment on Batta. Batta in 3 days.

-//Dictated by me to the Steno-typist, and directly typed by him in Computer, and after rectification taken print out and pronounced by me in the Open Court, on this the 1st Day of July – 2025.//-

(Sd/-)..K.Inbarani
DISTRICT MUNSIF
KATPADI

Petitioner side Witness and Exhibits: - Nil

Respondent side Witness and Exhibits: - Nil

(Sd/-)..K.Inbarani
DISTRICT MUNSIF
KATPADI