

**IN THE COURT OF DISTRICT MUNSIF, KATPADI, VELLORE DISTRICT**

**PRESENT: TMT. K.INBARANI, B.A.,B.L.,  
(J.O.Code - TN02350)  
DISTRICT MUNSIF, KATPADI**

Friday, this the 18<sup>th</sup> Day of July – 2025

**E.P.No. 21 of 2024  
In  
O.S.No. 20 of 2022  
(CNR.No.TNVL23-000174-2024)**

J.Logan

.....Petitioner/Decree Holder

-/Vs/-

K.Chandrababu

.....Respondent/Judgment Debtor

This petition has come up today before this Court for orders, and upon hearing the arguments of Thiru. S.Dhayanithi, the Counsel for the Petitioner/Decree Holder, and after receipt of notice, the Respondent was called absent and was set ex-parte on 04.02.2025, and upon perusing the petition, means evidence and the available material records, and having stood over for consideration till this day, this Court delivers the following:

**ORDER**

1. This petition has been filed by the Petitioner/Decree Holder to recover the Execution Petition mentioned amount of Rs.85,933/- (Rupees Eighty Five Thousand

Nine Hundred and Thirty Three Only) from the Respondent/ Judgment Debtor, and on his failure, to arrest him and detain him in Civil Prison under Order 21, Rule 22, 37 and 38 of Civil Procedure Code.

2. After taking the Execution Petition on file, this Court had ordered notice to the Respondent/Judgment Debtor. Notice sent and served to the Respondent/Judgment Debtor. After receipt of notice, the Respondent/Judgment Debtor has failed to appear & file counter. Hence, the Respondent/Judgment Debtor was called absent and set ex-parte on 04.02.2025.

3. The Learned Counsel for the Petitioner/Decree Holder in his argument contented that the decree amount remain unpaid and as on date no appeal is pending against the decree and prayed this Court to allow this Execution Petition. On the contra, the Respondent was called absent and set exparte on 04.02.2025.

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. On perusal of records it is seen that the this court has passed the order in OS.No.20/2022 in favour of the Petitioner, directing the respondent to pay the Claim sum of Rs.85,933/- along with further interest at the rate of 24% p.a., from the filing of the suit till the date of decree. After the decree date the interest at the rate of 6% and cost Rs.4,011/- towards the proceedings. Since, the

Respondent had not complied the decree. Hence, the Petitioner had filed this Execution Petition against the Respondent.

5.2 The Respondent notice was served on him, but he has failed to appear before this Court. Hence, the Respondent was called absent and set ex-parte on 04.02.2025. Means evidence was recorded. The Petitioner was examined as P.W-1 by way of proof affidavit.

5.3 Considering the above all facts, this Court satisfied that the Respondent having sufficient means failed to make payment towards the said decree amount. Having established the stated facts by the Petitioner, this Court decides that the Petitioner is entitled for the relief recovery of amount mentioned in this petition. Accordingly, the point is answered in favour of the Petitioner.

6. **Result:-**

In fine, from the above discussions, in the interest of justice, this Execution Petition is allowed. Arrest is ordered against the Respondent. Arrest by 22.08.2025. Batta within 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 18<sup>th</sup> Day of July – 2025.//-

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

**Petitioner side Witnesses:**

P.W-1 – J.Logan, the Petitioner

**Petitioner side Exhibits:**

- Nil

**Respondents side Witnesses and Exhibits:**

- Nil

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