

**In the Court of the Additional District & Sessions Judge,
Srivilliputtur.**

**Present : Tmt. Gajara R. Jiji, M.A.,M.L.,LL.M.,
Additional District Judge,
Srivilliputtur.**

Monday , the 8th day of April 2024

E.P. No. 19/2023

in

Arbitration Case No. 447/2017

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M/s. Sriram Transport Finance Company Ltd.,
Sivakasi Branch,
Rep. by its Power of Attorney
R. Ananthakumar

.. Petitioner / Claimant

/vs/

1) Selvam
2) Muthupandian

.. Respondents

This petition came before me for final hearing on 08.04.2024 in the presence of Thiru.R. Ragu, Advocate for the petitioners, and the respondents remain exparte, and upon perusing the records and having stood over for consideration till this day, this court delivers the following:

ORDER

The petitioner filed this petition Under Order XXI, Rule 37 and 38 of CPC seeking for arrest of the respondents.

2. The respondents remain exparte.

3. Point for determination:

Whether the Execution Petition is to be allowed or not?

4. PW1 was examined, Means Affidavit recorded and no documents were marked on the side of the petitioner. Heard petitioner side. Records perused.

5. Point and answer

The petition has been filed for arrest of the respondents. The perusal of the Award would show that the respondents are liable to pay the EP claim amount to the petitioner. The evidence of PW1 would show that the respondents have means to pay the EP claim amount but still the respondents are not ready to pay the petitioner which shows that the respondents are evading payment. Hence this court finds that in order to ensure execution of the decree and given the dishonest attitude of the respondents by evading liability, an order of arrest is to be passed. Since the respondents have not appeared in obedience to the notice of the court, this court finds that it is not necessary to issue another show cause notice to the respondents.

6. In the light of the above discussions, this court finds that the petitioner has proved the means of the respondents and their ill intention in non-payment of the EP claim amount and as such the petitioner is entitled to the relief as prayed for.

In the result, this petition is allowed. Arrest by 24.06.2024. Batta in a week.

Dictated to the Typist, typed by her directly in the computer, printed out then corrected and pronounced by me in open court, on this the 8th day of April 2024.

Additional District Judge,
Srivilliputtur.

Additional District Court,
Srivilliputtur,
E.P. No. 19/2023 in
Arbitration Case No. 447/2017
ORDER (Web copy)
Date: 08.04.2024