

TNVR080008302024



**IN THE COURT OF THE ADDITIONAL DISTRICT & SESSIONS JUDGE
VIRUDHUNAGAR**

Present : Thiru. **T.V.Hemanandakumar, B.A.,L.L.M.,**
Additional District and Sessions Judge, Virudhunagar

Monday, the 17th day of March, 2025

E.P.No.17/2024

in

O.S.No.153/2023

G.Kathiravan,
S/o Ganesan.

... Petitioner/Plaintiff.

/Vs/

R.SathiyaBalaji,
S/o Ramesh.

... Respondent/Defendant

This petition came up on 04.03.2025 before me for final hearing in the presence of Thiru.C.Karthikeyan, learned Advocate for the petitioner and Thiru.S.Senthil Sivaganesh, learned Advocate for the respondent and upon considering all material records in this case and hearing both sides and having stood over for consideration till this day, this court delivers the following:

ORDER

This execution petition is filed by the petitioner for attachment of movables of the respondent.

2) It is stated in the petition that in O.S.No.153/2023, the petitioner and the respondent arrived at a settlement before Lok Adalath on 08.06.2024 and the respondent agreed to pay a sum of Rs.25,00,000/-and accordingly award was passed. Thereafter as per the award, the respondent did not pay the amount and hence this petition.

3) The respondent filed counter contending that in the petition, the value of the properties is not correctly stated. The scheduled properties are the properties and machineries for production of plastic objects used by the respondent in connection with his production unit and hence those properties cannot be attached and petition has to be dismissed. The petitioner has not mentioned the value of each of the machinery. The respondent is conducting business in rented building and only the machineries and other movables are owned by this respondent. Since the property is not owned by the respondent, this petition has to be dismissed.

4) There is no oral or documentary evidence.

5) Heard both sides. Documents perused.

6) The point for consideration is whether the petition is allowed or not?

7) Point:-

This petition is filed by the petitioner for attachment of movables. It is seen from the records that the suit OS.153/2023 was pending between the petitioner and respondent. On 08.06.2024, the case was settled before Lok Adalath. The respondent agreed to pay Rs.5,00,000/- on 31.07.2024 and Rs.10,00,000/- on 30.09.2024 and another 10,00,000/- on 30.11.2024. The petitioner and respondent agreed for the settlement and award was passed. After that the respondent did not pay the amount and hence this execution petition.

8) The only contention on the side of respondent is that the respondent is the owner of movable properties only and the immovable property is not owned by him. It is further contended that the respondent is using the movable properties in production unit and so it cannot be attached. Admittedly the respondent has not obeyed the award. It is well settled that the award passed by

Lok Adalath can be enforced by the Civil Court in execution. On 06.03.2025 the respondent filed a memo stating that he had paid Rs.2,50,000/- to the petitioner. But admittedly the respondent has not paid the entire award amount as agreed. Hence it is the duty of this court to execute the award and hence this petition has to be allowed to attach movables.

9) In the result, this petition is allowed with costs. Attach by 22.04.2025.

Dictated to the steno-typist, typed by her, corrected and pronounced by me in open court, on this the 17th day of March, 2025.

Additional District Judge,
Virudhunagar.

Witness and Exhibits on the side of the Petitioner:

Nil.

Witness and Exhibits on the side of the Respondent:

Nil.

Additional District Judge,
Virudhunagar.