



A.No.6025 of 2022
in E.P.No.45983 of 2020

WEB COURT **SENTHILKUMAR RAMAMOORTHY,J.**

An order dated 16.12.2022 of the learned Master in Application No.5692 of 2022 is assailed by the decree holder.

2.An arbitral award was pronounced on 04.02.2008. The said award was in favour of the applicant herein. The award was assailed by filing a petition under Section 34 of the Arbitration and Conciliation Act, 1996. The said petition was dismissed on 07.12.2017. The said order was carried in appeal by filing O.S.A.No.74 of 2018. The O.S.A was dismissed on 13.03.2019.

3.In course of the execution proceedings, the applicant filed Appl.No.2457 of 2021 to direct the judgment debtor to disclose his assets. The said application was allowed by order dated 22.04.2022. However, the order was not complied with. Therefore, the applicant sought a warrant of arrest. Such warrant of arrest was issued on 24.06.2022. This order was challenged by the judgment debtor but such challenge was rejected on 12.09.2022. Thereafter, fresh warrants of arrest

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were issued by the learned Master on 30.09.2022 and 16.11.2022. These warrants could not be executed because the judgment debtor was not available. In these circumstances, Appl.No.5692 of 2022 was filed by the decree holder seeking police aid to execute the arrest warrant. This application was rejected on the ground that there is no reason to order police assistance at this stage.

4.Learned counsel for the decree holder submits that the order of the learned Master is liable to be set aside in as much as the orders on record evidence that the judgment debtor has refused to comply with orders of this Court with impunity. He further submits that without police assistance, the arrest warrant would be totally ineffective and that the judgment debtor would continue to evade the execution thereof. He also invites my attention to an order passed by the learned Master in similar circumstances in Appl.No.555 of 2022.

5.Learned counsel for the judgment debtor was provided multiple opportunities to obtain and file an affidavit disclosing the assets. He reports, however, that the judgment debtor is unwilling to disclose the



assets. He is also unable to indicate the availability of the judgment debtor for effective execution of the warrant without police assistance.

6. These facts and circumstances justify the application by the decree holder for police assistance. Consequently, the impugned order dated 16.12.2022 is set aside and Appl.No.5692 of 2022 is allowed as prayed for. The warrant shall be executed with the assistance of the Inspector of Police, E5- Pattinambakkam Police Station, Foreshore Estate, Chennai – 600 028 on or before 29.03.2023.

01.03.2023

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