



A.Nos.3103 & 3104 of 2024

in

E.P.No.102 of 2023

C.V.KARTHIKEYAN, J.

These two applications have been filed seeking to set aside the order of the learned Master dated 17.04.2024 and to grant stay of further proceedings in E.P.No.102 of 2023.

2.The Execution Petition in E.P.No.102 of 2023 had been filed by the petitioner/decreed holder consequent to an admission dated 08.12.2020 for an amount of Rs.50/- Lakhs together with interest at 6% p.a. Payment of Rs.5/- Lakhs alone has been made. It is stated that on the date of filing of the Execution Petition, the total amount due was Rs.56,33,423.82/-. It is stated that the assistance of the Court is required for arrest and detention of the respondent / judgment debtor under Order XXI Rule 37 r/w. Order XXXIX Rule 1, 2 and 3 of Original Side Rules.

3.The matter had been oscillating before the learned Master without any relief being granted to the decreed holder. This would only put to nullity the order of this Court granting decree in favour of the petitioner. By order dated



17.04.2024, the learned Master had examined the orders passed. He had observed that the counsel for the judgment debtor had stated that he is ready to pay the amount in monthly instalment and had not taken any other defense.

4.This would effectively mean that the applicant herein / judgment debtor has admitted to the claim, but is interested in protracting the payment and in ensuring that the respondent / decree holder is put to more and more suffering. The object of any Execution Petition is to ensure that the decree is satisfied at the earliest. An Execution Petition cannot be protracted like a Civil Suit. There must be a definite end and finality when an Execution Petition is filed.

5.The learned Master had also observed that the judgment debtor had got adjournments on many occasions stating the same reason that he is going to make payment. As on date, no payment has been effected. Further, before the learned Master, except for submission to extend time for payment no other defense had been raised. It is clear that the judgment debtor has admitted to the claim, but is only protracting and delaying the payment process.



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6. Taking all the factors into consideration, I am not inclined to interfere with the order of the learned Master dated 17.04.2024. Accordingly, both these applications stand dismissed.

01.07.2024

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