



WEB COPY

A Nos. 4335 and 4336 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

A Nos. 4335 and 4336 of 2025

AND

EP NO. 98 OF 2022

1. M/s.B Company
Rep.by its Proprietor
Mr.V.S.Binod, No.146/1, Classic
Emerald Apartments,
Thirumangalam, Anna Nagar
West, Chennai 600 040.

Petitioner /Decree
holder

Vs

1. V.Nithya
W/o. Late Vijaya Kumar

2.V.Shreya
Rep.by Her Mother And Natural
Guardian V.Nithya W/o.late
Vijayakumar

3.V.Lakshya
Rep.by Her Mother And Natural
Guardian V.Nithya W/o.late
Vijayakumar

4.K.Sathyavathy
All Are Residing At Old No.18,
New No.35, Pidariyar Koil Street,
George Town, Chennai 600 001.

Respondent(s)/Judgem
ent Debtors



A No. 4336 of 2025

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Respondent(s)/Judgem
ent debtor

A No. 4335 of 2025

PRAYER

To set aside the order made in A.No.6512 of 2023 in E.P.No.98 of 2022 in ARC.No.153/21 dated 20/03/2024 by the learned Master.

A No. 4336 of 2025

PRAYER

To order the stay of the operation of the order dated 20/03/2024 in



A.No.6512 of 2023 in E.P.No.98 of 2022 in ARC.No.153 of 2021 dated 20/03/2024 by the Master Court.

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For Applicant(s): M/s. S.Ramesh Kumar
For Mr.P.Chandrasekar
Respondent(s): For R1 to R4

COMMON ORDER

Application No.4335 of 2025 has been filed against the order passed by the learned Master in application No.6512 of 2023 dated 20.03.2024 raising the exparte order of attachment dated 12.01.2024.

2. Heard Mr.S.Ramesh Kumar, learned counsel for applicant and Mr.P.Chandrasekar, learned counsel for respondents 1 to 4.

3. There was a dispute between the parties which ultimately landed before the Arbitral Tribunal and an award came to be passed on 15.07.2021. As per the award, the judgement debtors are supposed to pay a sum of Rs.1,47,50,000/- along with interest at the rate of 18% per annum from 10.04.2021 till the date of actual realisation. Cost was also awarded.

4. The Petitioner, who is the decree holder filed EP No.98 of



2022 for the execution of the award. Initially, the judgement debtors were set exparte and an exparte order dated 12.01.2024 came to be passed by attaching the property.

5. The judgement debtors filed two applications. Application No.4572 of 2023 was filed to condone the delay in filing the petition to set-aside the exparte order dated 12.01.2024. Application No.6512 of 2023 was filed to set-aside the exparte order dated 12.01.2024 attaching the property.

6. Insofar as Application No.4572 of 2023 is concerned, the delay of 103 days in filing the petition to set-aside the exparte order was allowed. While passing the order, the learned Master has made an observation that no notice was sent on the judgement debtors since they had vacated the property and ultimately, the service was completed only through substituted service through paper publication.

7. The learned Master thereafter took up application No.6512 of 2023 for hearing. The learned Master did not go into the merits of the case and this application came to be allowed by an order



dated 20.03.2024 on the very same reasoning that was given while allowing the earlier application No.4572 of 2023 by an order dated 06.12.2023.

8. This Court does not find any illegality in the order passed by the learned Master. Ultimately, the execution petition must be dealt with on merits, since the Judgement Debtors have now entered appearance.

9. Hence, both these applications are disposed of. The Registry is directed to list the EP No.98 of 2022 for hearing on 21.11.2025.

10-11-2025

rka

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To

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N.ANAND VENKATESH J.
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