



4. It is further stated that as the Judgment Debtor has not complied with the order, this Court issued fresh warrant of arrest against the respondent/Judgment debtor and the warrant could not be executed because the Judgment Debtor was not carrying on the business at the said address anymore. Hence, the present application to issue warrant of arrest to arrest the Judgment Debtor wherever it is found.

5. The respondent filed his counter stating that the payment of Rs.10,00,000/- which was made in compliance of the common order in OSA No.68 of 2025 and the pending application seeking extension of time in the above CMPs for making the balance payment of Rs.15,00,000/- to comply the order of the Hon'ble Bench of the Hon'ble High Court had not been communicated to this Hon'ble Court and therefore this Hon'ble Court was pleased to issue arrest warrant dated 06.08.2025 and the said warrant was returned without being executed. In the meantime the said two CMPs in CMP Nos.21580 of 2025 and 21578 of 2025 were numbered on 01.09.2025 and the same was taken up for hearing by the Hon'ble Bench of the Hon'ble Madras High Court at Madurai on 11.11.2025 at 2.15 p.m in which the Hon'ble Bench had received the payment of balance amount of Rs.15,00,000/- vide three Demand Drafts dated 26.08.2025, vide "DD Nos. (1) 729318, (2) 003807, (3) 003808", drawn in favour of Registrar General Madras High Court directed the applicant herein to receive the same by filing a payment out petition and the same was reported to this Hon'ble Court on the very next day on 12.11.2025, when the case was taken up for hearing. Meanwhile, the applicant has filed the present application and immediately he brought to the notice of this court that OSA is likely to be listed before the Hon'ble Bench of Madras High Court presently sitting at Madurai. It is further stated that he has complied with the orders passed by the Hon'ble Single Judge dated 25.10.2024 confirmed in OSA No.68 of 2025 and O.S.A.No.107 of 2025 and the Hon'ble High Court has received the balance payment of Rs.15 lakhs and



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thus the conditional order dated 25.10.2024 was complied with and so the exparte order was set aside and in this situation the present application is not maintainable and become infructuous.

6. Heard both side counsels. It is the submission of the learned counsel for the decree holder that the attitude of the Judgment debtor in not complying with the conditional order of the Hon'ble High Court is severely condemned and the payment of Rs.25 lakhs made by the applicant/Judgment Debtor cannot be treated as a proper compliance because 25% of the award amount does not come to Rs.25 lakhs and is more than that. Further, the Hon'ble High Court has not granted any stay of the operation of the decree dated 23.10.2019 and so the present application is to be allowed. On perusal of the common order dated 25.10.2024 in A.Nos.4667 & 3114 of 2024 in E.P.No.110 of 2023 the Hon'ble Single Bench of our Hon'ble High Court has passed the following order:

(i) the order passed by the learned Master is set aside, subject to the condition that the respondent pays a sum of Rs.25 lakhs, representing 25% of the award amount by the sole arbitrator within a period of 12 weeks from the date of receipt of the copy of this order failing which the petition shall stand automatically dismissed.

(ii) If such an amount is paid within the stipulated time, the learned Master shall proceed with the matter and dispose of the E.P within a period of 12 weeks from the date of expiry of Clause (i) of the said stated above.

7. While passing the aforesaid order it was also observed by the Hon'ble Judge that the above E.P was filed to arrest and detain the Judgment Debtor in Civil prison in which an exparte order was passed and thereafter the Judgment Debtor has also filed an application to set aside the exparte order, in such circumstances before passing of an



order for arrest an opportunity should be given to the Judgment debtor before he is sent to the civil prison. The learned counsel for the decree holder relied on the Order dated 11.11.2025 in CMP Nos.21580 and 21587 of 2025 in OSA Nos.68 and 107 of 2025 and submitted that the Hon'ble High Court has not received and accepted the payment made by the Judgment debtor with a delay and CMP Nos.21580 and 21578 of 2025 were still kept pending for the purpose of the decree holder to file his counter and so there is no impediment for this court to allow this application. As admitted by the counsel for the decree holder herself the matter pertaining to whether the payment made by the Judgment Debtor can be treated as a proper compliance of the Order dated 26.10.2024 in A.Nos.4667 and 3114 of 2024 and consequently, the exparte order dated 27.03.2024 passed by this court is set aside or not is subjudiced before the Hon'ble High Court. In such circumstances, the present application filed by the decree holder is not maintainable at this stage.

Accordingly, this application is dismissed. No cost.

MASTER