



MASTER
18.02.2026

ORDER

1. The Decree holder has filed this execution petition Under Order 39 Rule of Madras High Court Original Side Rules read with Order 21, Rule 37 and 38 of the Code of Civil Procedure seeking for the execution of the decree by arrest and detention of the Judgment debtor in Civil prison for his failure to satisfy the decree dated 23.02.2022 passed in CS No.331 of 2020.

2. Despite service of notice by way of paper publication the judgment debtor failed to appear before this Court and contest the case. Hence he was set ex parte on 29.11.2025.

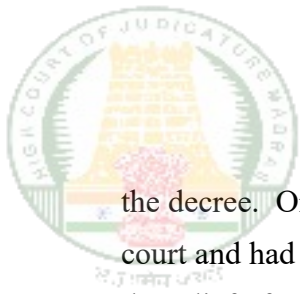
3. The point for consideration:

Whether the Decree Holders are entitled to execute the decree by arrest and detention of the judgment debtor in civil prison?

4. Heard the Petitioners Counsel. The Decree holder has filed a civil suit in CS No.331 of 2020 wherein a decree was passed directing the Judgment Debtor along with the other defendants in the suit jointly and severally to pay the Decree Holder a sum of Rs.4,68,45,365/- together with interest as specified in the decree.

5. As per the execution petition, the judgment debtor is liable to pay the decree holder a sum of Rs.6,30,38,115/-. The decree holder has prayed for enforcement of decree as against the judgment debtor by arrest and detention of the judgment debtor in civil prison. The judgment debtor failed to satisfy the decree. The judgment debtor failed to challenge the decree by way of appeal.

6. On the side of the decree holders/petitioners, the 1st petitioner was examined as PW1 by way of filing proof affidavit and no documents marked. On perusal of the affidavit filed in support of the EP and the evidence adduced by PW1, it shows that the judgment debtor has got sufficient means to satisfy



the decree. On the other hand, despite effecting service the judgment debtor failed to appear before this court and had not come forward to file his counter and contest the case and he was set exparte. Though, the relief of arrest is one curtailing the liberty of the judgment debtor, the dishonest default on the part of the judgment debtor as seen from the affidavit filed in support of the EP and the evidence of PW1, warrants arrest of the judgment debtor in lieu of satisfaction of the decree amount. Though the decree holders has got a decree in their favour, they were not able to enjoy the fruits of the decree. Therefore, this court holds that the decree holders are entitled to execute the decree by arrest of the judgment debtor.

In the result, arrest of the judgment debtor is ordered and arrest by 30.03.2026 and batta in a week.

MASTER