

Dated 27-11-2025

1) Both counsels present. Heard both counsels at length. Again heard petitioner side senior counsel through VC at about 04-00 PM to 04-08 PM. Records perused. Petition is filed u/O XXI Rule 29 of CPC to stay the execution proceeding.

2) No suit is pending between the petitioner and the respondent in this Court. Not even the suit number is mentioned by the petitioner in the affidavit or the petition. There is nothing on record and no documentary evidence was filed by the petitioner to show that there is a simultaneous proceedings or suit in this Court between the parties and that out come of that suit would affect the execution petition.

3) When there is no suit is pending between the parties hereto in this Court , the petitioner is not entitled to the relief of stay of the execution petition. The contention of the petition cannot be adjudicated in this application by this Court.

4) Whiles, it will be worth to mention here that the date of decree is 28-02-2025 and the petitioner had not produced any stay order till date from the Hon'ble Appellate Court. There is nothing on record to demonstrate that any stay was granted by any Hon'ble Higher Forum to proceed with the execution application or the decree is stayed or modified.

5) Further from perusal of records it is found that delivery was effected on 24-11-2025 and possession was handed over to the EP Petitioner namely, Arnold Arasu as per the Amin report dated 27-11-2025. It was also admitted by the petitioner in her affidavit. Hence, the relief sought for in this application had become superfluous and infructuous.

6) In the light of the above, this court finds that the petition is sans merit and liable to be dismissed in limine. Accordingly, the petition is dismissed. No orders as to costs.

Subordinate Judge,
Valliyoar.