

IN THE COURT OF THE MUNSIF KANJIRAPPALLY.

Present : Smt. Smitha Susan Mathew, Munsiff

Tuesday 3rd day of February 2026
14th day of Magha 1947

E.A 4/2025 in E.P 42/2023

Petitioners/Judgment Debtors:-

- 1) Shameena Ashraf, W/o Late P.I.Ashraf Ali,
Parackal House, Anakkal P.O., Kanjirappally.
- 2) Azim P. Ashraf, S/o Late P.I.Ashraf Ali,
Parackal House, Anakkal P.O., Kanjirappally.
- 3) Nazim P. Ashraf, S/o Late P.I.Ashraf Ali,
Parackal House, Anakkal P.O., Kanjirappally.

JD1 & JD3 - By Adv. Muhammed Haris K.S.
JD2 - Vakalath not seen filed.

Counter Petitioner/ Decree Holder/4th Judgment Debtor:-

M/s. Integrated Finance Company Ltd., having its registered office at No.112, Thyagaraya Road, T. Nagar, Chennai - 600017 and branch office Interlalia at 1st Floor, CSI Commercial Complex, Opp. Padinjarekkara Auditorium, Baker Junction, Kottayam, having its office currently at No.12 North Crescent Road, Lock, II Floor, Prem Nagar Colony South Baag Road, T. Nagar, Chennai, represented by its authorised signatory A. Hema Jothi

By Adv. George Kurian.

This petition having been heard on 03.02.2026 and the court on the same day passed the following :-

ORDER**in OS 4720/2004 (on the file of XV, Asst. Judge, Chennai)**

This petition is filed by the judgment debtors, challenging the maintainability of the above EP.

2. Petitioners allege that though the decree was passed on 12.09.2004, there are no records to show that EP was filed in 2004. According to the petitioner, another EA was filed in the above referred to EP seeking condonation of delay of 1722 days to represent the EP. The petitioner alleges that this EA is not seen numbered. The petitioner would further state that the EA bears court seal of 06.04.2019 and 29.07.2021. According to the judgment debtors, there is a delay of 344 more days. As per the statement in the petition, the decree holder played fraud on the original executing court to overcome the period of limitation of 12 years. Hence they seek for dismissal of the execution petition. The decree holder filed objections denying all the allegations in the petition and according to him, the delay of representing the EP was closed as liquidation process of the decree holder company was in progress. The objection would show that the court having original jurisdiction received the Execution Petition on their file and the delay of

representing the Execution Petition was also condoned by the court which passed the decree.

3. Heard both sides. Perused the case records. Exts.A1 to A3(a) are marked for reference.

4. The petitioners allege that the decree in the above OS was passed on 12.09.2004 and the EP should have been filed in 2014 itself. According to them, EP was not filed before the expiration of 12 years from the date of passing of decree. The decree transferred to this court would show that it was passed on 12.09.2005 in OS 4720/2004 on the file of the XV, Asst. Judge, City Civil Court at Madras. The EP therein ought to have been filed on or before 12.09.2017. The decree is marked as Ext.A1. Ext.A2 is a certified copy of the EP filed before the City Civil Court, Madras. The seal of the City Civil Court thereon would show that it was received on file on 31.07.2014. Hence the contention of judgment debtors in the present EP that the EP was not filed in 2014 is incorrect. There is no delay in filing Execution Petition before the court concerned. Ext.A3 is the certified copy of the petition filed in the EP to condone the delay of 1722 days in representing the papers in EP serial No.38118 of 2014 in OS No.4720/2004 of the City Civil Court, Madras. The affidavit along with the petition shows that the EP filed before that court was returned on 31.07.2024 for curing some defects. The

authorised signatory of the decree holder company stated that the company was under provisional liquidation under the order of the Hon'ble High Court of Chennai and the liquidation00 procedures therein caused the delay in representing EP after curing defects. Hence the decree holder sought for a condonation of delay of 1722 days and the same was allowed by the court on 22.04.2022. Ext.A3(a), an order on Ext.A3 reflects this order. The judgment debtors contend that such an order was obtained by decree holder by playing fraud on the court. Such allegations are to be raised before the court which passed the order condoning the delay and took the execution petition on file. The judgment debtors have no case that they had proceeded against the order of the City Civil Court, Madras in the above EA. The other allegation is that the EA is unnumbered. The transferee court has nothing to do with the allegation that the EA filed before the City Civil Court remained unnumbered. The City Civil Court, Chennai transferred the decree along with certificate of non-satisfaction. Hence this court has no jurisdiction to consider the allegation that such a transfer was made on a fraud played upon that court. It is already found that the EP was filed within the period of limitation. The other allegations raised in the petition are not sustainable before this court. Hence the court is of the view that the Execution Petition before the court is maintainable and the petition is liable to be dismissed.

In the result, the petition is dismissed.

Dictated to the Confidential Assistant, typed by him corrected by me and pronounced in open court on this the 3rd day of February, 2026.

**Smitha Susan Mathew.
Munsiff.**

APPENDIX

Exhibits Marked for the Petitioners:-

A1	15.09.2005	Certified copy of decree in OS 4720/2004 in the City Civil Court at Madras.
A2	April 2014	Certified copy of EP Sr.No.38118/14 in the City Civil Court at Madras.
A3	05.04.2019	Certified copy of EA in EP 38118/14 in OS 4720/2004 in the City Civil Court at Madras.
A3(a)	22.04.2022	Order in E.A in E.P 38118/14 in the City Civil Court at Madras.

Court & Third party Exhibits:- Nil.

Exhibits Marked for the Respondent:- Nil.

Witness Examined for both sides :- Nil.

Typed By : Jayamol V.M.
Compd. By: Raji S. Nair.

MUNSIFF