

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

Present : Tmt.M.Santhosham., B.Sc., B.L.,

District Munsif, Sulur

Thiruvalluvar year 2057 Sri Parapava year, 5th day of Aani

Friday the 19th day of June 2026

E.P.No. 2/2026

in

OS.No. 174/2020

Palanisamy

... Petitioner/ Decree Holder

/VS/

1. Karuppusamy Gounder

2. Pachiyappa Gounder

3. Nachammal (Died)

4. Mani

(Amended as per order in E.A.No.1/2026 Dated 25.03.2026)

... Respondent/ Judgment Debtor

This petition coming on this day for final hearing before me in the presence of Mrs.D.Chitra, Advocate for the Petitioner/Decree Holder and the 1st, 2nd and 4th Respondents are called absent set exparte and the 3rd Respondent reported died and upon perusing the records, and this court made the following:

ORDER

This petition filed by the petitioner under order 21 rule 11(2) of CPC to issue notice to the respondents under Order 21 Rule 22 of CPC against whom the decree is being executed to show cause, in failure of their appearance before this court even after the service of the above said notice, this court to pass an order as per Order 21 Rule 35 of CPC to restore the suit cart track (Shown as pink color in plaint

rough sketch) as found in the recital of document No.1047/1979 through the court office.

1. The brief averments of the petition filed by the petitioner as follows:-

The petitioner/decreed holder filed this petition to issue notice to the respondents under Order 21 Rule 22 of CPC against whom the decree is being executed to show cause, in failure of their appearance before this court even after the service of the above said notice, this court to pass an order as per Order 21 Rule 35 of CPC to restore the suit cart track (Shown as pink color in plaint rough sketch) as found in the recital of document No.1047/1979 through the court office. Hence, the petition.

2. The Respondent/Judgment Debtors are called absent set exparte.

3. No Witnesses were examined on Petitioner side, and no documents were marked as exhibits.

4.Points for consideration:

Whether the petition under order 21 rule 11(2) of CPC to issue notice to the respondents is to be allowed?

5. Points :-

5.1. The Execution petition filed by the petitioner/decreed holder to issue notice to the respondents and restore the suit cart track (Shown as pink color in plaint rough sketch) as found in the recital of document No.1047/1979 through the court office. Enquiry of Petitioners/Decree Holders side were carefully considered. Heard the counsel for Petitioner side, the case documents were examined.

5.2. The Original suit was filed seeking for the relief of Delivery of possession and permanent injunction. The main suit is decreed on 28.02.2023. As per the decree dated 28.02.2023 in the said decree as follows :

5.3. *“1. that the suit be and the same is hereby decreed in favour of plaintiff; and 2). that the defendants directed to restore the suit cart track (shown as pink colour in plaint rough sketch) as found in the recital of document No.1047/1979 that is partition deed within 2 months of date of decree; and 3). that the defendants, their men, agents, servants, legal representative or anybody claiming on behalf of them restrained by means of permanent injunction from in any way interfering and disturbing with the plaintiff’s peaceful possession and enjoyment of the two distinct East – West cart tracks along with all easmentory right found in document No.1047/1979 to reach the suit properties; and 4). that there be no cost”*

5.4. After the decree the Petitioner/Decree Holder filed this Execution Petition to restore the suit cart track (shown as pink colour in plaint rough sketch) as found in the recital of document No.1047/1979 that is partition deed as per decree dated 28.02.2023. The suit was filed in the year 2020 and decreed on 28.02.2023. But the Petitioner/Decree Holder not enjoyed the fruits of judgment. Hence, considering the nature of the petition and year of the suit, it is necessary to restore the suit cart track (shown as pink colour in plaint rough sketch) as found in the recital of document No.1047/1979 of the petitioner/ Decree Holder as per the partition deed No.1047/1979. Hence, as per the date of decree passed in O.S.No.174/2020, it is necessary to restore the suit cart track (shown as pink colour in plaint rough sketch) as found in the recital of document No.1047/1979 as per partition deed of the Petitioner/Decree Holder. The respondents/ Judgment Debtors are also not filed their counter statement and called absent set exparte. Hence, in the interest of justice this execution petition is allowed.

In the result, this Execution Petition is allowed. No cost.

Dictated to the Steno-typist and directly typed by her in computer,
corrected and pronounced by me in open court this the 19th day of June 2026.

Sd/M.Santhosham

District Munsif,

Sulur

List of witnesses and documents on petitionera side:- - Nil

List of witnesses and documents on Respondents side:- - Nil

Sd/M.Santhosham

District Munsif,

Sulur.

Draft/ Fair Order

E.P.No. 2/2026

OS.No. 174/2020

Dated : 19.06.2026

DMC, Sulur.