

**IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,**  
**CHEY YUR**

**Present:** Tmt. V.Devapriya, B.Sc., M.L.,  
District Munsif-cum-Judicial Magistrate, Cheyyur (FAC)

Friday, the 6<sup>th</sup> day of December, 2024

E.P.No.28/2020

in

O.S. No.273/2015

(District Munsif Court, Madurantakam E.P.No.76/2019)

1. Karthikeyan  
2. Minor.Thirumal  
3. Minor.Gayathiri  
4. Minor.Kanagavalli  
represented by their brother Karthikeyan

...Petitioners/Decree Holders/  
Plaintiffs

**-vs-**

1. Bhuvaneswari  
2. Prahavathiammal  
3. E.Sumathi

...Respondents/Judgment Debtor/  
Defendants

This petition coming up before me on 28.11.2024 for final hearing in the presence of, Thiru.V.Agoram, counsels for the Petitioners/Decree Holders/Plaintiffs and the Respondents 1 and 3/Judgment Debtors 1 and 3/Defendants 1 and 3 having been called absent and set exparte on 15.09.2022 and the 2<sup>nd</sup> Respondent/2<sup>nd</sup> Judgment Debtor/2<sup>nd</sup> Defendant having been called absent and set exparte on

03.11.2022 and after hearing the arguments on the side of the Petitioners/Decree Holders/Plaintiffs and upon perusing the materials placed on record, and having stood over for consideration till this day, this court delivers the following,

### **ORDER**

This petition has been filed by the Petitioners/Decree Holders/Plaintiffs under Order XXI Rule 11, Rule 35 and 36 of Code of Civil Procedure, to deliver and surrender the vacant possession of the 1<sup>st</sup> item of schedule mentioned property, through process of court.

#### **2.The averments stated in the petition in brief:**

The decree in the above suit was passed on 13.07.2017 against the Respondents/Defendants to deliver and surrender the vacant possession of the 1<sup>st</sup> item of schedule mentioned property within two months from the date of the decree. Hence the petition.

3. The Respondents 1 and 3/Judgment Debtors 1 and 3/Defendants 1 and 3 had not appeared before this court, after due notice, and hence they were set exparte on 15.09.2022. The 2<sup>nd</sup> Respondent/2<sup>nd</sup> Judgment Debtor/2<sup>nd</sup> Defendant had not filed their counter, even after giving sufficient opportunity and hence he was exparte on 03.11.2022.

4. The point for determination is whether this petition is to be allowed or not?
5. No Exhibits marked and no witnesses were examined on both sides.
6. Petitioners/ Decree Holders/Plaintiffs side arguments heard. Records perused.
7. The Petitioners/Decree Holders/Plaintiffs had filed this petition to deliver and surrender the vacant possession of the 1<sup>st</sup> item of schedule mentioned property. The Respondents/Defendants/ Judgment Debtors had not raised any objections and had remained exparte.
8. The Petitioners/Decree Holders/Plaintiffs had filed the certified copy of the decree passed in the above suit wherein the above suit has been decreed and the Respondents/Defendants/Judgment Debtors has been directed to deliver and surrender the vacant possession of the 1<sup>st</sup> item of schedule mentioned property within two months from the date of the decree and the 2<sup>nd</sup> Respondent was directed to remove the hut and illegal construction made by him in the 1<sup>st</sup> item of the suit property within 2 months. The Respondents/Defendants/ Judgment Debtors had not disproved the contention of the Petitioners/Decree Holders/Plaintiffs. As per the decree dated 13.07.2017 passed in the above suit, the Respondents/Defendants/Judgment Debtors is liable to deliver and surrender the vacant possession of the 1<sup>st</sup> item of schedule mentioned property within two months

from the date of the decree. Hence for the foregoing reasons, this court is inclined to allow this petition.

**9. In the result, this petition is allowed. Batta in 3 days. Delivery by 06.01.2025.**

Typed by me in my laptop, corrected and pronounced by me in open court on this the 6<sup>th</sup> day of December, 2024

District Munsif cum  
Judicial Magistrate,  
Cheyyur. (FAC)

**Petitioner side witnesses and documents:**

Nil

**Respondents side witnesses and documents:**

Nil

District Munsif cum  
Judicial Magistrate,  
Cheyyur. (FAC)