

IN THE COURT OF THE DISTRICT MUNSIF, HARUR

Present: Tmt.SRI MATHURA S. LLM.,

DISTRICT MUNSIF, HARUR

On Thursday, the 9th of October 2025

R.E.A.No: 2/2025

In

R.E.P.No: 64/2003

In

O.S.No: 172/1977

Kandhasamy

...Petitioner/Respondent/Judgment Debtor

//Versus//

1.R.V.Sengodan (died)

2.S.Balammal (died)

3.Maragathamani

4.Parimala

5.R.Malliga

6.M.Kumutha

7.Malarvizhi

8.R.S.Senthilnathan

9.R.S.Chelladurai

10.Latha

11.Kanchana devi

...Respondents/Petitioners/Decree Holders

This petition came up on 22.09.2025 for final hearing before me in the presence of Adv.Thiru.S.Rathaakrishnan,B.Com.,B.L., for the petitioner/respondent/judgment debtor and Adv.Thiru.G.Kumar,M.A.,B.L., for the Respondents/petitioners/deed holders. Upon hearing the Arguments of both sides and perusing the documents and having stood over till this day for consideration, this court delivered the following.

ORDER

This interlocutory application is filed by the petitioner/respondent under **ORDER 21 Rule 29 and read with section 151 of CPC** seeking stay of this execution petition until final result of the case in O.S.No: 137/2017 before the Hon'ble Sub Court, and thus render justice.

I) The Contention of the Petitioner/ Respondent/Judgment Debtor in brief :

1.1) The petitioner humbly submits that he is the petitioner/respondent/Judgment Debtor herein and this above petition for clarification before this Hon'ble Court.

1.2) The petitioner humbly submits that the respondent has amended the schedule of properties in O.S. No. 172 of 1977 before the Hon'ble Subordinate Court, Krishnagiri, by including a well and by correcting the name of the village. Subsequently, through the District Munsif Court, Harur, he obtained a deed from the Registration Office, Harur, registered as Document No. 974 of 2003. Thereafter, a case was filed before the Hon'ble Subordinate Court, Harur, in O.S. No. 131 of 2017 seeking a declaration that the aforesaid deed is null and void. During the pendency of the said suit, the first respondent passed away, and the matter is now pending for impleading his legal heirs as of 16.06.2005. Hence, the petitioner most respectfully prays that this Hon'ble Court may be pleased to stay

further proceedings in this petition till the disposal of O.S. No. 131 of 2017 before the Hon'ble Subordinate Court, Harur, failing which the petitioner would be put to irreparable loss and hardship.

II) The Contention of the Respondents/ Petitioners/Decree Holders in brief:

2.1) The respondent humbly submits that the contentions raised by the petitioners are false and baseless, and the burden of proof lies solely on the petitioners to establish their claims. Except for the averments specifically admitted herein, all other allegations made by the petitioners are expressly denied.

2.2) The respondent humbly submits that this petition was not filed under proper provision. Hence this petition deserves to be dismissed in limini.

2.3) The respondent humbly submits that the petition-mentioned properties originally belonged to the first judgment debtor, Thiru A. Govindasamy Pillai. Subsequently, the said properties were executed in favour of the first respondent, Thiru R.V. Sengodan Mudhaliyar, on 04.10.1971. Hence, the petitioner, being only a subsequent purchaser, is not entitled to maintain the present stay petition. It is true that E.P. No. 64 of 2003 is pending for clarification and that another E.P. No. 19 of 2003, filed by the first judgment debtor A. Govindasamy and others, is also pending for clarification.

2.4) The respondent further submits that the petitioner is fully aware of the fact that, after due enquiry, in E.P. No. 163 of 1995, the Hon'ble District Munsif Court, Harur, executed a sale deed on 21.04.2003. The petitioner has not preferred any revision or appeal against the said sale deed before the Hon'ble High Court of Madras till date. Hence, the petitioner cannot now question the validity of the sale deed executed by the Hon'ble District Munsif Court, Harur. This petition,

therefore, amounts to an abuse of the process of court, and the suit in O.S. No. 131 of 2017 before the Hon'ble Subordinate Court, Harur, is not maintainable. It is false to allege that the petitioner's counsel, under the direction of the Hon'ble Subordinate Judge, did not press the said suit. Moreover, after due notice, the legal heirs of the first and second respondents have already been brought on record in E.P. No. 64 of 2003. The petitioner, being fully aware of this fact, has now falsely contended that O.S. No. 131 of 2017 is still pending for impleading the legal heirs, thereby attempting to delay and prolong the proceedings.

2.5) The respondent further submits that the petitioner, with full knowledge, fraudulently obtained a sale agreement from the first respondent and the original owner, A. Govindasamy, and thereafter filed a suit against both before the Hon'ble Sub Court, Krishnagiri, in O.S. No. 172 of 1972. After full trial, the said suit was decreed in favour of R.V. Sengodan on 14.11.1978, against which the petitioner and A. Govindasamy preferred appeals before the Hon'ble High Court of Madras in A.S. No. 1099 of 1978, followed by a Letters Patent Appeal No. 104 of 1985, and subsequently before the Hon'ble Supreme Court of India in Civil Appeal No. 2362 of 1986. All the appeals were dismissed, thereby confirming the judgment of the trial court, on 16.03.1985, 03.04.1986, and 08.10.1991 respectively.

2.6) In accordance with the above judgments, E.P. No. 163 of 1995 was filed before the District Munsif Court, Harur, and execution was completed on 22.04.2003, through which the first respondent, R.V. Sengodan, obtained possession of the suit property. As both the first respondent and his wife have since passed away, their legal heirs are now entitled to possession of the petition-mentioned property. In light of the above facts and circumstances, the respondent respectfully submits that there is no merit in the petitioner's request to stay the

proceedings till the disposal of O.S. No. 131 of 2017, and therefore, the petition is liable to be dismissed.

III) Points for Consideration :

Whether the petitioner is entitled to relief as prayed for?

IV) Discussion:

4.1) On careful consideration of both sides and available material records it is seen that the petition was filed by the petitioner/respondent/judgment Debtor under Order 21 Rule 29 read with section 151 of CPC seeking stay of this execution petition until final result of the case in O.S.No: 137/2017 before the Hon'ble Sub Court, and thus render justice.

4.2) No oral evidence adduced on both sides. Ex.P.1 marked on the side of petitioner. Ex.P.1 is 22.09.2017 dated O.S.No: 131/2017 filed in Sub Court.

4.3) This Court has carefully considered the submissions made by the learned counsel for both sides and perused the records of the case. The petitioner seeks to stay further proceedings in this Execution Petition, till disposal of O.S. No. 131 of 2017 on the file of the Hon'ble Subordinate Court, Harur. The grounds raised by the petitioner mainly revolve around the validity of the deed registered as Document No. 974 of 2003, which is also under challenge in the said civil suit.

4.4) On perusal of the materials available, it is evident that the present Execution Petition has been pending before this Court for over 22 years. The petitioner has now approached this Court with the present stay petition at a belated stage, without offering any satisfactory explanation for such delay. The suit in O.S. No. 131 of 2017 was filed nearly eight years ago, and the petitioner has not shown any

diligence or urgency in pursuing that matter. The present attempt to stall the execution proceedings appears to be an afterthought, intended only to delay the enforcement of the decree which has long attained finality.

4.5) This Court is conscious of the fact that the decree in question has already been confirmed by the Hon'ble High Court of Madras and the Hon'ble Supreme Court of India, and that E.P. No. 163 of 1995 culminated in execution of the sale deed in favour of the decree-holder on 21.04.2003. The petitioner has not preferred any revision or appeal challenging the same. Therefore, the petitioner cannot now seek to indirectly restrain execution by filing the present stay petition.

4.6) The Court finds that the petitioner has failed to show sufficient cause to justify a stay of execution or to establish that continuation of the E.P. would result in irreparable loss. Considering that the Execution Petition has been pending for an unduly long period, granting a stay at this stage would only defeat the very object of execution and further delay the decree-holder's right to enjoy the fruits of the decree. The belated filing of this petition, without any satisfactory explanation, also militates against the petitioner's case. Hence, the petition is dismissed.

V) Decision:

In the result, this petition in R.E.A.No: 02/25 in R.E.P.No: 64/2003 is dismissed. No orders as to cost.

Dictated to the Steno-Typist, typed by her in computer,
corrected and pronounced by me in open Court,
on the 09th day of October, 2025.

DISTRICT MUNSIF, HARUR

Annexure:**Petitioner side Evidence : Nil****Petitioner side Exhibits: Ex.P.1 marked**

Ex.P.1	22.09.2017	O.S.No.131/2017 filed in Sub Court	Certified copy
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Respondent side Evidence and Exhibits: Nil**DISTRICT MUNSIF, HARUR**

Fair Order

R.E.A.No: 02/2025

in

R.E.P.No: 64/2003

in

O.S. No.172/1977

Dated: 09.10.2025