

**IN THE COURT OF THE I ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present: Tmt. K. Chithra, B.A., B.L., (Hons)

I Additional District Munsif (FAC), Nagercoil.

Tuesday, on this the 7th day of October, 2025

E.P. No. 74 of 2013

in

O.S. No. 154 of 1971

CNR No.TNKK04000394-2013

1. A.Alfred Gnanadas Amos (Died)

2. A.Alexander Aruldas Amos (Died)

3. A.Herold Kripadas Amos (Died)

4. A. Gnanakan Jothidas (Died) :Original plaintiffs

5.Addl.Mrs.Elizabeth Saroji

6. Addl.Mrs.Jane Chandra Vadana

7.Addl.Mr.A.Suresh Kumar (Died)

L&S of Deceased P1

8. Addl.Mrs.Priyadharshini (Died)

L&S of Deceased P2

9. Addl.Mrs.Pramela Mibeth Suguna

10. Addl.Ms.Nirmala Sundara Vadhana (Died)

L&S of Deceased P3

: petitioners/Original plaintiffs

Lrs of Deceased P1-3,7,8,10

11. Paul Pillai

12. Arun Paul

13. Saju

14. Viju

(Addl.P5 to 14 Impleaded as per order in E.A.126/2013 dated 18.02.2025)

(Amended as per order in E.A.8/2025 dated 20.03.2025)

-vs-

1. James Raju

2. Y.Pitchai (Died)

3. S.Bagavathy (Died)

4. M.Amarthayya (Died)

5. P.Sudalaimani (Died)

6. N.Solomon Barnabas

7. J.Anbaiah

8. Y.Rajamony (Died)

9. State of Tamil Nadu, rep.by dist. Collector,

Kanyakumari district. Nagercoil

10. S.Swaminathan (Died)

11. Addl.Hari Haran

12. Addl.Madhu

13. Addl.Yesudhas

14. Addl.Subbiah

15. Addl.Vettum Permal

16. Addl.Rajan

:Respondents/Defendant/Judgement Debtors

(Addl.R11 to R16 Impleaded as per order in E.A.43/2018 dated 18.02.2020)

(Amended as per order in E.A.8/2024 dated 20.03.2025)

This Execution Petition having come before me on 07.10.2025 for final hearing in the presence of Thiru.T.K.Mahesh, Advocate for the Petitioners/Original plaintiffs and 1st, 2nd, 3rd, 4th, 5th, 6th, and 7th respondents being set ex parte and 8th respondent was died, and Advocate Government pleader for 9th respondent and upon perusing the case records and having stood over till date for Consideration, this Court delivers the following:

ORDER

1. The Petitioner had filed the above Execution Petition under Order XXI Rule 35 and section 151 Code of Civil Procedure to pass an order for eviction of respondent/defendants/J.D. from the schedule property and for surrender for vacant possession there of the petitioners.

2. This petition was filed under order XXI rule 35 section 151 Code of Civil Procedure to execute decree in O.S 154/1971 by vacating respondent from petitioner mentioned property and by delivery of vacant possession of petitioner mentioned property.

3. 1st to 7th respondent were remained ex parte. 8th respondent died. 9th respondent in his counter alleged that the real actual Owners of Re.Sy.No. 610/16 and Re.Sy.No.611/8 anjugramam village were not impleaded party. Then the extent of Re.Sy.No.611/6 is along 0.8 ares. The Re.Sy.No.610/16 and 611/8 are Nilaviyal pathway thus the decree is vague and inexcentable and prayed to dismiss this Execution petition.

4. Record. perused. Heard Both side. On such perusal the decree in OS 154/1971 was confirmed by both first Appellate and 2nd Appellate court not be looked into at the execution petition if it is not taken before appellate courts as 9th respondent was party from the decree of suit so the decree of OS No. 154/1971 would bind 9th respondent.

5. There is no record to show the correlation of old survey number 51/19 of petitioner mentioned property to the Re.Sy.Nos. 610/16, 611/6, 611/8. Hence the counter allegation of 9th respondent found baseless and time lapsed. In fine this petition is allowed. Batta with in 3 days. Recovery of portions occupied by defendant except sold to 7th defendant.

Handwritten in the Docket, and pronounced by me, in open court this, the 7th day of October, 2025.

Sd/-(K.Chithra)
I Additional District Munsif (FAC)
Nagercoil.

IADM Court, Nagercoil.
E.P. No.74 of 2013 in
O.S. No.154 of 1971
Draft/Fair Order
Date: 07.10.2025.