

IN THE COURT OF SUBORDINATE JUDGE, ERANIEL.

**Present : Thiru. R. Karl Marx, B.L.,
Subordinate Judge, Eraniel.**

Monday, the 27th day of July 2026

**E.A.No.1/2024
in
E.P.No.26/2022
CNR.No.TNKK15-000205-2022
in
O.S.No.3/2018
CNR.No.TNKK15-000007-2018**

Rajam

.... Petitioner/Plaintiff/Decree
Holder

.Vs.

1. Jeyakumar (Died)
Addl.2. Sree Kumari
Addl.3. Sinduja
Addl.4. Siva

.... Respondent/Defendant/
Judgment Debtor/
Addl.2nd to 4th respondents

This petition came up on today (17.07.2026) for final hearing before me in the presence of Thiru. M. Padmasanan Counsel for Petitioner and 2nd to 4th respondents called absent and set exparte, 1st respondent having been reported as died and upon hearing the arguments of petitioner side and upon perusing the records and having stood over for my consideration till this day, this court delivers the following:

ORDER

The above petition has been filed by the decree holder for delivery of possession of the petition schedule property.

Point for consideration :

2. Whether this application is to be allowed or not ?

Answer to the point :

3. Heard the arguments advanced by the learned counsel for the petitioner and perused entire records carefully. On perusal, the applicant is the decree holder in a suit for specific performance in O.S. No. 3/2018. The suit has been filed for specific performance and it was decree on 22.02.2019, the court directed the defendant to get the balance amount of Rs. 1,00,000/- from the plaintiff based on the sale agreement and execute the sale deed failing which court shall execute the sale deed. The defendant has not executed the sale deed thereby, the decree holder has failed the E.P. 26/2022, for execution of sale deed accordingly, sale deed was executed by this court on 22.11.2023, in favour of the decree holder. Thereafter, the decree holder has filed the above application for delivery of possession.

4. The learned counsel for the petitioner would submit that the Hon'ble High Court held in a case in application number 2282, 2833, 2251 and 2304/2018 in unknown versus Venkadakrishnan case that once suit for specific performance for decree, it is inclined for delivery of possession also.

5. On perusal of the decision, the applicant is having a decree of specific performance and sale deed was also executed a court on 22.11.2023, therefore though the decree is silent about the possession as per the decision of Hon'ble High Court reported in 2016 (4 CTC) page 163 in Krishnan -vs- Valarmathi, though the decree is silent about the possession of the property, the decree holder is entitled for the same. The above decision is squarely applicable to be case on facts. Hence, the application is liable to be allowed and this point is answered accordingly.

In the result, delivery by 21.08.2026. Call on 21.08.2026. Batta shall be paid within 3 days.

Pronounced by me in open court on this the 27th day of July, 2026.

Subordinate Judge,
Eraniel.