

IN THE COURT OF PRINCIPAL DISTRICT MUNSIF, THIRUMANGALAM

Present: Thiru. A.Muthu Esakki, B.A., B.L.,

Principal District Munsif, Thirumangalam

Monday 09th day of June 2025

E.P. No.10/2020

in

O.S. No.581/1987

1. Amaravathi Ammal (Died)
2. Poochammal (Died)
3. Pappa
4. Dhavamani
5. Gowthami

... Petitioners/ 1st to 4th Plaintiffs,
8th Plaintiff

/Vs/

1. Thangammal (Died)
2. Muniyammal (Died)
3. Periyasami (Died)
4. Alagammal
5. Muthammal
6. Alagarsamy
7. Pandiarajan

... Respondents/ Defendants. 5,6,7 Plaintiffs

(7th Respondent was impleaded as the legal heirs of the deceased 3rd Respondent as per the order in E.A.No. 48/2021 dated 17.03.2022 and amended as per order in E.A.No.36/2022 dated: 31.01.2023)

This Petition coming today before me for hearing in the presence of Counsel Mr.P.G.Alagarsamy, Advocate for the Petitioners and 1st to 3rd Respondents dead and while 4th and 5th Respondents have remained exparte by non appearance even after due service of notice and Mr.A.Raja, Advocate for the 6th Respondent and Mr.M.Dhanapandian, Advocate for the 7th Respondent and upon perusing the petition the entire materials available on the records before this court and having stood over for consideration till this day, this court delivers the following,

ORDER

This petition has been filed by the Petitioner for delivery of the property as per the decree passed by the Court.

2. The learned Counsel for the Petitioner argued that the suit was filed for directing the Respondents/ Defendants to vacate and handover the possession of the petition mentioned property from the Respondents and the same has been decreed by this Court and the respondents have not handed over the property as per the decree of this court and therefore, it is necessary to execute the decree and take delivery of the property.

3. On the other hand, the 6th Respondents filed counter on 02.02.2023. The counter states that against the IA No.1247/2004 order in the final decree has been challenged in CRP and therefore, prayed for dismissal of this petition.

4. The point for determination is that whether this Petition has to be allowed or not.

5. Heard, the records were perused carefully.

6. On perusal of records, there is no stay order produced by the 6th Respondent side and 7th Respondent side endorsement made on 07.03.2025 as no counter. It could be seen that this application has been filed for executing the decree passed in O.S.No.581/1987 on 19.06.1997 and the property has not been delivered by the Respondents/Defendants so far and thus, this petition has been filed for executing the decree. There is no valid ground seen in the counter affidavit of the 6th Respondent.

7. Further, it is the duty of the Executing Court to execute the decree passed by a competent Court as early as possible to ensure that the decree holders gets the fruits of the decree as early as possible and the Executing Court cannot go beyond the

decree. Therefore, in order to render justice and enforce the decree of this Court is inclined to allow this application for delivering the property as per the decree of this Court in OS.No.581/1987.

As a result, this Execution Petition is allowed and delivery of the property is ordered hereby. Delivery Batta within 3 days. For delivery and call on 08.07.2025.

Dictated by me to the Steno-typist directly in the office computer and the same was corrected by me and pronounced in the open court on this 09th day of June, 2025.

Principal District Munsif
Thirumangalam

E.P. No.10/2020
in
O.S. No.581/1987
Fair - Order
D.D. 09.06.2025