

IN THE COURT OF THE SUBORDINATE JUDGE, MELUR.

Present: Tmt. M. SAMUNDEESWARI PRABHA, M.A., M.L.,

Monday, the 15th day of June 2026

I.A.No.4/2025

in

CMA.No.2/2024

Velmurugan

S/o.Somu Petitioner/ Appellant

// Vs //

1. Kasthuri

C/o.N.V.Ragunath

2. M.Somasundaram

S/o.Muthiah Asari Respondents/ Respondents

This petition coming up for final hearing before this court on 10.04.2026 in the presence of Advocate.Mr.V.Palani, Advocate for the Petitioner and Advocate Mr.K.R.Sudharsan Prabhu, Advocate for the 1st respondent and the 2nd respondent was called absent set exparte on 04.03.2026 and upon hearing the enquiry on both sides, on perusal of the records and having stood over for consideration till this day, this court delivers the following :-

Orders

This petition has been filed Under Order 41 Rule 27 and Section 151 of CPC pass an order to permit the petitioner to file the additional documents mentioned in the list of documents in to this court for consideration.

1. Brief averments of the petition :-

The petitioner herein is the appellant in the main appeal. The petitioner submits that , at the time of filing his claim application some of the documents are available with the petitioner is already filed in to this court. Now the petitioner paid the present period property tax and some of the documents mentioned in the list of documents are available with the petitioner, the additional documents are very vital documents in this proceedings. Hence the petitioner may be permitted to file the additional documents in to this court, enable to the petitioner to prove his case. The documents are the house tax demand notice issued by the Madurai Corporation dated 17.09.2025, House tax receipt and letter issued by Central Depository Service Limited. The petitioner prays pass an order to permit the petitioner to file the additional documents

mentioned in the list of documents in to this court for consideration. Hence this petition has to be allowed.

2. Brief averments of the counter affidavit filed by the 1st respondent/

1st respondent :-

(I) The 1st Respondent herein and also the 1st Respondent in the main CMA filed by the Claimant/Petitioner in the execution proceedings initiated by the 1st respondent through E.P.No.117 of 2017 for delivery of the decreed property. This petition averments are all denied as false and frivolous. The alleged possession by the petitioner over the 1st respondent property as lawful tenant is denied as non-est. There is no iota of even a tip of truth with respect to his claim over the possession of the petition mentioned property. The Petitioner / Appellant is a stranger. He never remained as tenant to her at any point of time. It is learnt that the petitioner / appellant is the brother-in-law of the judgment debtor.

(ii) The Petitioner / Appellant, by filing and proceeding the CMA in a vexatious manner to consume the precious time of this court. Factually, the property was delivered to the 1st respondent on 07.01.2026 itself through the District Munsif Court's Order in E.P.No.117/2017.

Consequently, Amin Report was filed about the delivery of the property before the District Munsif Court on 12.01.2026 and the E.P.No.117 / 2017 was terminated by the District Munsif Court, Melur on 19.01.2026. The facts being so, the claimant without proving his case at the executing court has once again come with the present CMA which is liable to be dismissed in-limine as infructuous.

(iii) It is 1st respondent submitted that where a decree is for delivery of any immovable property, possession thereof shall be delivered to the party to whom it has been adjudged or to such person as he may appoint to receive delivery on his behalf, and, if necessary by "removing any person" bound by the decree who refuses to vacate the property. Therefore, the petitioner being a stranger has no locus at all to resist or to obstruct or to re-agitate the delivery.

(iv) The petitioner has filed a petition to receive additional documents which has no legal sanctity. The 1st respondent has never authenticated the petitioner to receive any notice issued by the corporation nor given consent to remit any house tax pertaining to her property. The documents proposed were not come under the purview of the connected provision of the Civil Procedure Code. The said

documents has never establishes that he was a tenant to the 1st respondent as alleged by him. The documents proposed were neither relevant nor substantiates that he is a tenant. The Petitioner illegally acquired the documents proposed to deprive her property. In fact, the 1st respondent had never let her house to the Petitioner. Being the 3rd party /stranger, and brother-in-law of judgment debtor, attempting to venture with false claim to swindle her property. The Petitioner/ Claimant being the brother-in-law of judgment debtor who is arrayed as 2nd Respondent herein, prefers this sort of litigation at the instance of his sister's husband i.e. 2nd Respondent in order to prolong the litigation and deny the fruits of justice to the 1st respondent. Hence, this is an another round of vexatious litigation by the petitioner with the collusion of the 2nd Respondent Judgment debtor to play foul on law. To say simply, the present litigation process of the self-styled claimant is only an abuse of process of law that entails no merits. The Petition is bereft of facts and devoid of merits and liable to be dismissed in-limine. As the property was delivered through the order passed in E.P.No.117/2017, the consequent CMA becomes infructuous and is liable to be dismissed.

3. The point for consideration aroused is that :-

Whether the petition has to be allowed or not ?

4. Point :-

Both sides heard. Records perused. The documents filed along with petition are property tax for the years 2024 – 2026, corporate tax receipt and postal envelope addressed in the name of appellant/petitioner/obstructor are not clinching piece of evidence to record the tenancy rights. The petitioner has filed the tax receipts in the name of the Decree holder/Mrs.Kasthuri which will not prove his right to tenancy. Moreover, they are of the year 2024 – 2026 after filing of this appeal. Hence they are not admissible in evidence to prove the tenancy rights.

5. Result:-

In the result, this petition is dismissed. No costs.

Dictated to the Steno Typist by me, and typed by her directly, corrected and pronounced by me in open court, this the 15th day of June 2026.

**Sub Judge,
Melur.**

Both sides of witness and documents : Nil

**Sub Judge,
Melur.**

**Draft/Fair Order
in
IA.No.4/2025
in
CMA.No.2/2024
Dt : 15.06.2026
Sub Court, Melur**