

IN THE COURT OF THE SUBORDINATE JUDGE, METTUR

**Present: Thiru. R.Saravana Babu, B.A., L.L.B.,
Subordinate Judge, Mettur**

Tuesday, the 7th day of July 2026

R.E.P. No.24/2025

in

O.S.No.184/2002

- 1.K.Parvathi (died)
2. V.Sakthivel (died)
3. V.Ravichandran
4. V.Sivakumar
5. A.Sasikala
6. S.Sujitha
7. S.Susmi

... Petitioners / DHs

/ Versus /

1. Nandhini Manivannan
2. M. Sivaraman
3. M.Praveen
4. Nalini Chandrasekaran
5. K.P.Aarumugam (died)
6. Ramasamy (died)
7. V. Madhivanan
8. V.Venkadesh
9. V. Kalavathi

... Respondents /JDs

This application coming up for final hearing on 22.06.2026 before this Court in the presence of Thiru.B.Balamurugan Counsel for Petitioners and Presence of Thiru.C.Velmurugan and Tr.M.Arunachalam counsels for respondents R1, R2 and 3rd , 9th respondents called absent set exparte and 4 to 8th respondents already vacated the suit properties and upon both side hearing the arguments and perusing the records, having stood over for consideration till this date, this Court delivered the following:

ORDER

The Petitioner has filed this Execution Petition Under Order 21 Rule 35(1) of Civil Procedure Code for delivery of the possession.

2. Brief Averments of Petition:

The petitioner has filed O.S.No.184/2002 for relief of partition and separate possession. In the above case, this court has passed a final decree against the respondents on 27.09.2022. Therefore, the petitioner has filed this petition for the delivery of the possession for the petition mentioned property. Unless this petition is allowed, the petitioner will be put into heavy loss and hardship and Hence, the petitioner company has filed the above REP for delivery of possession.

3. Brief Averments of Counter by Respondents 1 and 2:

The respondents have stated that the petition filed by the petitioner is false, frivolous and not maintainable under the law and on facts. The respondents have further stated that, they have filed the suit by challenging the Will dated 14.04.1994 against the decree holder in OS No.43/2019 and the same was also dismissed for default. The value of the property assessed by the Advocate Commissioner is not proper. The respondents further stated that they did not know about the passing of final decree against them. The respondents further stated that if the Will dated 14.04.1994 have not been tested, the respondents should be put in to irreparable loss and mental agony. Hence, prayed for dismissal.

4. Now the point for consideration is that:

Whether the Petition is liable to be allowed or not ?

5. Heard. Records perused and considered.

6. Issue:

6.1) The petitioner has filed this execution petition against the respondents for the delivery of possession on account of final decree passed in IA No.256/2006 in OS No. 184/2002. It was resisted by the respondents stating that there is a dispute regarding the Will dated 14.04.1994 and its veracity to be tested in OS No.43/2019. Hence, prayed for dismissal of the petition.

6.2) On perusal of records, it is found that this court has passed the final decree against the respondents on 27.09.2022. The respondents 1 and 2 have unsuccessful in OS

No.184/2002 and failed in AS No.32/2005, AS No.64/2005 and in SA No.303/2007. The Honourable High Court of Madras has passed the Judgment on 08.11.2009 by confirming the Judgment of Principal District Judge in AS No.32/2005. Therefore, the endless litigation has reached the finality. The petitioner has claimed the delivery of possession based on the final decree passed by this court in IA No.256/2006 on 27.09.2002. Considering the nature and circumstances of this case, it is found that the delivery has to be effected immediately as per the order of the court. It is found that there is no merit on the respondents to prevent the delivery of possession of the petition mentioned property. Hence, Inview of this court, in order to execute the decree and the petitioner has to enjoy the fruits of decree as per the order of this court. It is found that the petitioner has given up the relief against R4 to R8, since, the R4 to R8 are tenants who are all vacated the petition mentioned properties. Therefore, considering all this facts, this court is inclined to deliver the property to the petitioner from the respondents.

7. In the result, this petition is allowed. Delivery by 27.07.2026. Batta in three days..

Dictated to the typist, typed by her, corrected and pronounced by me in the Open Court on this 07th day of July 2026.

**Subordinate Judge,
Mettur**

Petitioners / DHs Side Exhibits and Evidence : Nil

Respondents/JDs Side Exhibits and Evidence : Nil.

**Subordinate Judge,
Mettur**