

**IN THE COURT OF DISTRICT MUNSIF, METTUR, SALEM DISTRICT**Present: **Thiru. M.Selvam B.A.B.L.,**

District Munsif, Mettur

Saturday, this the 01<sup>st</sup> day of November 2025**R.E.P.No. 33 of 2025****in****O.S. No. 111 of 2023**

(CNR.No. TNSA17-000201-2025)

Sidhan

... Petitioner/Plaintiff

/versus/

1. Madhu

2. Murgan

... Respondents/Defendants

This petition came up before me for final disposal in the presence of the learned counsel Thiru. S. T.Ranganathan., M.A., M.Phil., appearing for the petitioner. The respondents were set-exparte on 23.10.2025. Upon hearing petitioner side submissions and on perusing the entire case records and after consideration, this court passed the following:-

**ORDER**

1. Petition filed by the Petitioners/Plaintiffs Under Order 21 Rule 35 of CPC for delivery of the petition property as per the decree passed in O.S.No. 111 of 2023 dated 21.11.2024.

2. Heard. Records perused. Orders pronounced. The petitioner have filed this execution petition for delivery of the petition property in O.S.No. 111 of 2023 dated 21.11.2024. This court had perused the said decree. On perusal of the same, it shows that, in the said suit this court had declared that the 2<sup>nd</sup> item of the suit property is a common pathway and directed the respondents herein to remove the encroachments made therein as per the measurements in Ex.C1 commissioner report, which is shown as blue colour in Ex.C2 commissioner's sketch with in two months from the date of the decree. Since, the respondents had not complied the

decree of this court, the petitioner had filed this execution petition to execute the decree. Though notice was served to the respondents, they had not turned up and remained exparte on 23.10.2025. It is well settled that the decree holder need not be deprived from enjoying the fruits of the decree, unless the respondents had shown any reasonable cause. But in the case the respondents had neither turned up nor shown any such reasonable cause. Hence, in the interest of justice, this court is inclined to allow this petition.

**In the result, this petition is hereby allowed. The court amin is directed to remove the encroachments made in the 2<sup>nd</sup> item of petition property as per the measurements in Ex.C1 commissioner report, which is shown as blue colour in Ex.C2 commissioner's sketch. Batta to be paid. Call on 27.11.2025.**

Pronounced by me in open court, this the 01<sup>st</sup> day of November 2025.

**District Munsif,  
Mettur.**

**Both side witnesses and documents: Nil**

**District Munsif,  
Mettur.**