

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

PRESENT : Tmt.R.PREMI, B.A., L.L.B., (Hons).,

District Munsif, Devakottai

Monday, the 9th day of February, 2026

EA.No.03/2025

in

EP.No.11/2020

in

R.C .O.P.No.01/2017

Nagaraj

...Petitioner

-Vs-

Subramanian

...Respondent

This petition is coming before me for final disposal in the presence of Thiru.B.Siva learned advocate for the Petitioner, Tmt.R.Sentamilselvi learned advocate for the Respondent. Having heard of both side enquiry and upon perusing the documents, this court do hereby pronounce the following...

ORDER

The petition is filed under Order XXI Rule 26 and Section 151 of CPC

1. The averments in the petition are as follows:

The petitioner is the petitioner in the main petition as well. The petitioner states that the appeal in the Honourable Sub-Court of Devakottai in RCA.No.1/2020, order has been passed on 23/09/2025. The petitioner states that until he obtains the certified copy of the said order, he seeks to stay the proceedings of this executing court for 90 days. He states that against the order

of the District Munsif Court in RCOP No.1/2017, appeal has been filed in the Sub-Court of Devakottai in RCA No. 1/2020 in which order has been passed on 23/09/2025. Since the same was also dismissed, he has filed a copy application in CA.No.1165/2025 to file an appeal against the same. He states that he has a valid case in appeal. Hence, he seeks to stay the proceedings in the execution petition until he obtains certified copy of the order of the Sub court (i.e) for a period of three months. Hence he prays for the petition to be allowed.

2. Averments in the counter are as follows:

The respondent despite giving sufficient opportunity has not filed a counter. Hence the counter was Suo-Moto closed. But the respondent has filed a memo stating that the copy application filed by the respondent was complied with and she has obtained the copy of the said decree whereas the petitioner having applied a copy application in CA.No.1165/2025 did not take any steps to receive certified copy and is delaying the proceedings of the executing court willingly so as to prevent the decree holder from enjoying the decree. Hence she has stated that the petition has become infructuous.

3. Now the question to be decided is whether the petition has to be allowed or not?

3(i). Petition perused. Enquiry heard on both sides. The petition has been filed to stay the proceedings of the execution petition for 90 days until the petitioner obtains the certified copy of the decree in RCA No.1/2020. The averments perused. The counsel for the respondent has appeared before the court and has stated that she has obtained the certified copy of the decree of the said RCA. But this petitioner having filed a copy application is not coming forward to get the certified copy of the same with an intent to persist this petition and to drag on the proceedings to prevent the decree holder from enjoying the fruits of

the decree. It is also to be noted that the petition has been filed to stay the proceedings for a period of 90 days and it has been three months since the date of filing of this petition. Hence this petition has become infructuous. This petition is nothing but attempt to drag on the proceedings of the execution proceedings. It is a well settled principal that unless and until a stay order has been passed by the appellate authority, the executing court need not stay the execution proceedings for infinite period. Hence in the interest of justice, this petition is dismissed. No order as to cost.

4. Decision

In the end, this petition is dismissed. No order as to cost.

This Order was dictated by me, typed by the steno-typist, corrected by me and pronounced by me in the open Court on 9th day of February 2026.

**District Munsif,
Devakottai.**

Annexures:

List of witnesses on the side of the Petitioner-Nil-

List of documents on the side of the Petitioner-Nil-

List of witnesses on the side of the Respondent-Nil-

List of documents on the side of the Respondent-Nil-

**District Munsif,
Devakottai.**

District Munsif Court,

Devakottai

EA.No.03/2025

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Dated: 09.02.2026

Draft/Fair Order
