

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI**PRESENT : Tmt.R.PREMI, B.A., L.L.B., (Hons).,**

District Munsif, Devakottai

Wednesday, the 4th day of March, 2026**EP.No.11/2020****in****RCOP.No.01/2017**

Subramanian

...Petitioner

-Vs-

Nagaraj

...Respondent

This petition is coming before me for final disposal in the presence of Thiru.R.Sentamil selvi learned advocate for the Petitioner, Thiru.B.Siva 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 11(2) of CPC****1. The averments in the petition are as follows:**

The petitioner is the building owner. The rent control petition has been filed to evict the respondent from the rent building and to give back the rent arrears. The said rent control petition was ordered after enquiry on 05/02/2020. Also, the petitioner has stated that no appeal has been filed by the respondent who was stated to handover the possession of the petition property. As per the order of the court, he has filed this execution petition. He states that if the petition is not allowed, he would be subject to irreparable loss injury. Hence he

prays for the petition to be allowed.

2. Averments in the counter are as follows:

The respondent has denied the contentions of the petition and stated that against the order of the court in RCOP No. 2/2017, appeal has been filed in the Honourable Sub-Court of Devakottai in RCA No.1/2020 and RCA No.2/2020, and the same has come up for the stage of arguments. This petitioner having received the notice for the appeal, has filed execution petition before this court. The respondent states that since the Sub-Court of Devakottai is vacant due to the absence of the judge, the appeal has been pending at the stage of arguments. He also states that the appeal which has been posted for orders on 29/08/2025 has been reopened for clarification on 08/09/2025 and subsequently, the clarifications has been rectified and the orders could be passed in the appeal in any day. He also states that the appeal would be decreed in his favour. Hence he prays that since the appeal is pending, this execution petition should be dismissed with cost.

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

3(i). Petition and counter perused. Enquiry heard on both sides. The execution petition has been filed for the delivery of the petition mentioned property as per the order of this court in RCOP No.1/2017. On the other hand, the respondent has stated that the appeal in RCA No.1/2020 has been filed. On perusal of records, it becomes clear that the said appeal has been disposed as dismissed. The respondent has stated that he is to file a second appeal against the same, but he has produced no documents regarding the same. It is the duty of the executing court to execute the decree as it stands and cannot go beyond the same. Since the court has ordered for the delivery of the petition mentioned property in

RCOP No.1/2017 and appeal against the same was also dismissed and no second appeal is shown to be pending. Hence in the interest of justice, this petition is allowed. No order ad to cost.

4. Decision

In the end, this petition is allowed. No order ad 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 4th day of March 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.**