

**In the Court of II Additional District and Sessions Judge,  
Thiruvallur @ Poonamallee.**

**Present: Thiru. C.Vijayakumar, B.A., B.L.,  
II Additional District and Sessions Judge, Poonamallee.**

**On this Thursday, the 17<sup>th</sup> day of April 2025**

**E. P. No.34 of 2021 in O.S. No.236 of 2015**

1. R. Lakshmi (Deceased)
2. Janaki, W/o Raghu,  
Residing at No.68, Rani Anna Nagar,  
T.P.Chathiram, Kilpauk,  
Chennai - 600 010.
3. R.Ashokkumar,  
S/o Late Ramalingam,  
Residing at No.10, Bharathi Nagar,  
Veeraraghavapuram,  
Thiruverkadu, Chennai – 600 077.
4. R.Deenathayalan,  
S/o Late Ramalingam,  
Residing at No.10, Bharathi Nagar,  
Veeraraghavapuram,  
Thiruverkadu, Chennai – 600 077.
5. R.Santhakumar,  
S/o Late Ramalingam,

6. Y.Anitha,

W/o Yesudass,

Residing at No.21/10, Bharathi Nagar,

Veeraraghavapuram, Thiruverkadu,

Chennai-600 077.

(Amended as per order passed in EA No.1/2023 in EP No.34/2021 vide order dated 10.07.2023)

... Petitioners / Decree Holders

- Vs -

1. Usha, D/o Dhanapal

Residing at No.91, Bhajanai Koil Street,

Paruthipattu Village, Avadi Taluk,

Thiruvallur District.

2. Sathri, W/o Jaishankar,

3. Raghu, S/o Jaishankar

4. Ravi S/o Jaishankar,

5. Mari, S/o Jaishankar

6. Umapathy, S/o Jaishankar,

7. Anitha, D/o Jaishankar,

Respondents 2 to 7 are residing at No.97, Thiruvalluvar Street,

Madhavaram, Chennai.

.. Respondents / Judgment Debtors 1 to 7

8. Mani, S/o Panchatcharam,

9. Palayam, S/o Panchatcharam,

...Respondents / Judgment Debtors 8 & 9

10. Sumathi, D/o Jayaraman,

11. Arumugham, S/o Muthalu

Respondents 8 to 11 are Residing at No.91, Bhajanai Koil Street,

Paruthipattu Village, Avadi Taluk,

Thiruvallur District.

...Respondents / Judgment Debtors 10 & 11

12. Vinoth Kumar, S/o. Vijayakumar,

Residing at No.9, Ambedkar Street,

Kamarajar Nagar, Paruthipattu Village,

Avadi Taluk, Thiruvallur District.

13. B.N. Ilavarasu, S/o.Nagabooshanam,

No.210, Big Street, Anthimancherry Pet Village,

Thiruvallur District.

14. K.Chandrasekar, S/o.Nagabooshanam,

No.270, Big Street,

Anthimancherry Pet Village,

Thiruvallur District.

15. K.Ravichandran, S/o.Kuppan,

Residing at No.3/8, CPWD quarters,

Besant Nagar, Chennai-600 090.

16. J.Sudhakar, S/o Jayaraman,  
Residing at No.91, Bhajanai Koil Street,  
Paruthipattu Village,  
Avadi Taluk, Thiruvallur District.

Respondents / Judgment Debtors 12 to 16

This petition was coming up for final hearing before me on 02.04.2025 in the presence of M/s. R. Thamaraiselvan, M.Geetha Thamaraiselvan, D. Baskar, R.Dhanasekar, and K.G. Suresh, learned counsel for Petitioners/Decree Holders and M/s. I. Selvaganapathy, V. Raja Chandrasekar and S. Barathi, learned counsel appeared for Respondents / Judgment Debtors 2 to 16 subsequently Respondents / Judgment Debtors 2 to 16 were called absent and set exparte and the 1<sup>st</sup> Petitioner/Decree Holder and the 1<sup>st</sup> Respondent / 1<sup>st</sup> Judgment Debtor died while pending execution petition, on perusal of entire material records and upon hearing the arguments on the Petitioner's side and having stood over till this day for consideration this Court passed the following :

**Order**

This petition filed by the 1<sup>st</sup> Petitioner/ Decree Holder under Order 21 Rule 9 of CPC prays to deliver vacant possession of the suit property to the Plaintiff as per the Decree passed in O.S. No.236 of 2015, dated 09.07.2019. During pendency

the 1<sup>st</sup> Petitioner R.Lakshmi died and impleaded Petitioners 2 to 6 her legal heirs as per order passed in E.A. No.1/2023 in E.P. No.34/2021 dated 10.07.2023.

2) The Respondents/Judgment Debtors 2 to 16 appeared through their counsel but subsequently failed to file a Counter, and they were set exparte on 03.03.2025.

On the side of the Petitioners/Decree Holders and Respondents/Judgment Debtors, no witnesses were examined and no documents were marked.

3) Now, the point for consideration before this Court is whether the Petitioners/Decree Holders are entitled to deliver vacant possession of the suit property ?

**4) POINT :**

Heard the argument of the Petitioner side. Perused the documents.

The Petitioners, being the legal heirs of the 1<sup>st</sup> Petitioner/Decree-Holder, filed this execution petition for the recovery of vacant possession of the property mentioned in the petition. The Decree was passed against Respondents/Defendants D1 to D5, D7, D8, D9, and D11 to D17. The Respondents/Judgment Debtors appeared through their Counsel on 07.12.2021, but they failed to file their Counter. Consequently, the Respondents/Judgment Debtors were set exparte on 03.03.2025.

5) The nature of the property indicates that it is a vacant land. Hence, under Order XXI Rule 35 of the CPC, this Court orders the delivery of vacant possession against the Respondents, except R6, as there is no decree against R6. The delivery shall be effected by, delivered to the Decree Holders or to such person as they may appoint to receive delivery on their behalf, and, if necessary, by removing any person bound by the decree who refuses to vacate the property, and the delivery batta must be paid within seven days.

In the result, this petition is allowed. It is ordered that delivery shall be effected by handing over possession to the Decree-Holders or to such person as they may authorize to receive delivery on their behalf. If necessary, such delivery may be enforced by removing any person bound by the decree who refuses to vacate the property. The delivery batta must be paid within seven days. Call on 30.06.2025.

Dictated to Steno-Typist directly, typed by her in computer, corrected and pronounced by me in the Open Court on this the 17<sup>th</sup> day of April 2025.

Sd/- C.Vijayakumar  
**II Additional District and Sessions Judge,  
Thiruvallur @ Poonamallee.**

**Witnesses and Exhibits on both sides : Nil.**

Sd/- C.Vijayakumar  
**II Additional District and Sessions Judge,  
Thiruvallur @ Poonamallee.**

**Draft/ Fair Order**

E.P. No.34 of 2021

in O.S No.236 of 2015

Date : 17.04.2025

II A.D.S.C., Poonamallee.