

**III ADDITIONAL DISTRICT AND SESSIONS COURT,
TIRUVALLUR AT POONAMALLEE.**

Present : Thiru.C.VIJAYAKUMAR, B.A., B.L.,
III Additional District and Sessions Judge

Monday, the 6th day of April 2026

E.P.No.38/2025 in O.S.No. 343/2023

1) S. Narayanan, S/o. Seshachalam,
2) S.N. Ragavi (Minor), D/o. S. Narayanan,
Rep by her father and guardian, S.Narayanan,
1st decree holder herein, both are residing at
No. H-4/4, Thiruvalluvar Nagar First Main Avenue,
Thiruvannamiyur, Chennai – 600 041.

... Decree holders / Plaintiffs

//Vs//

V. Santiny, W/o. V. Kumaresan,
No. 12, Officers colony main road,
Next to Sri Krishna Apartments,
Sathyavathy Nagar, Padi,
Chennai – 600 050.

... Judgment Debtor / Defendant

This petition came up before this Court for final hearing on 09.03.2026 in the presence of M/s. A. Shaik Sulaiman learned counsel for the Decree holder and respondent / judgment debtor set exparte on 04.02.2026 and upon hearing the both sides and on perusal of oral and documentary evidence, having stood over for consideration till this day, this court passed the following:

ORDER

The petitioner filed this Execution Petition under Order XXI, Rule 35 of the

CPC, seeking the execution of the decree passed in O.S.No.343/2023 dated 21.03.2025 against the Respondent/Judgment Debtor, seeking delivery of possession of the suit scheduled property to the Petitioner/Decree Holder.

2) Breif Averments of the Petition filed by the Petitioner as follows :

The Petitioner / Decree Holder herein filed the Execution petition for the Execution of the decree passed in O.S.No.343/2023 dated 21.03.2025 on the file of this Court against the Respondent/Judgment Debtor for delivery of possession of the suit scheduled property i.e., The property consisting of the house and ground bearing door No.12, Officers' Colony Main Road, next to Sri Krishna Apartmens, Sathyavathy Nagar, Padi, Chennai - 600 050 measuring east - west on the north western side - 22 feet 6 inches; and on the north eastern side 34 feet; on the southern side 40 feet; north - south on the eastern side 23 feet; on the western side 39 feet; admeasuring 1573 sq.ft. comprised in Survey No.341/1A1E (part) of Padi Village, Ambattur Taluk, Chennai District, bounded on the north by - 15 feet road; south by - 24 feet road; east by - 15 feet road; west by - the property of V.Santiny, the defendant which is in the nature of vacant site measuring 1547 sq.ft. within the Registration District of Chennai North and Registration Sub-District of Villivakkam. Hence the petition.

3) After being taken on file, this court issued notice to the respondent. For the hearing date of 28.01.2026 the notice was served to the judgment debtor. After that till 04.02.2026, the Respondent/Judgment Debtor not appeared before this court and this court set the Judgment debtor ex parte on 04.02.2026 due to his non appearance and failed to make any representation before this Court.

4) No witnesses were examined and no documents were marked on both sides.

5) Now, the point for consideration before this Court is whether the Petitioner/Decree Holder is entitled to an Order of deliver over the suit scheduled property ?

6) POINT :

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

7) This Execution Petition has been filed by the Decree Holders under Order XXI, Rules 35 of the Code of Civil Procedure, 1908, seeking to execute the decree dated 21.03.2025 passed in O.S.No. 343/2023 on the file of this court to deliver the scheduled property to the Petitioners/Decree Holders.

8) After being taken on file, this court issued notice to the respondent. For the hearing date of 28.01.2026 the notice was served to the judgment debtor. After that till 04.02.2026, the Respondent/Judgment Debtor not appeared before this court and this court set the Judgment debtor ex parte on

04.02.2026.

9) The decree directed the defendant to handover the possession of the suit property within a period of two months from 20.05.2025. The execution application shows the possession was not handed over to the plaintiff. The decree dated 21.03.2025 passed in O.S.No. 343/2023 on the file of this Court has not been stayed, set aside, or satisfied. The Judgment Debtor, having been served through substituted service and set *ex-parte*, has not contested the execution proceedings nor shown any cause against delivery. In the absence of any objection and upon being satisfied that the decree remains executable, this Court finds that the Decree Holder has made out a valid case for proceeding against the scheduled property.

10) In the result, this Execution Petition is allowed and it is hereby ordered as follows:

Since the schedule property is a building, and based on the Decree Holder's assertion that the Judgment Debtors are in possession and bound by the decree, the primary mode shall be under Order XXI, Rule 35(1) to 35(3). The Bailiff is directed as follows:

(a) To proceed to the schedule property and call upon the Judgment Debtor or any person found in possession who is bound by the decree to vacate the premises to facilitate delivery of possession to the Decree Holders.

(b) Upon execution, the Officer shall make a detailed endorsement on the warrant in the manner prescribed, stating the actions taken and confirming the delivery of possession. The Judgment Debtors are directed to bear the costs of this execution proceeding.

Delivery batta within 7 days, call on. 28.04.2026.

Dictated to the Steno - typist directly, typed by him in the computer, corrected and pronounced by me in the open court, this the 6th day of April 2026.

**III Additional District and Sessions Judge,
Tiruvallur at Poonamallee.**

Both side Witness and Exhibits :- NIL

**III Additional District and Sessions Judge,
Thiruvallur @ Poonamallee.**