

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

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

Tuesday, the 4th day of August 2026

**E.A.No.1/2026
in E.P.No.38/2025
in O.S.No.343/2023**

1) Mr. S. Narayanan, S/o. Seshachalam,

2) Baby. S. N. Ragavi, D/o. Narayanan,

being a minor represented herein by

her father and guardian

Mr. S. Narayanan as next friend.

Both are residing at No.H-4/4,

Thiruvalluvar Nagar, 1st Main Avenue,

Thiruvannamiyur, Chennai – 600 041.

..Petitioners / Decree holders / Plaintiffs

//Vs//

Mrs. V. Santiny, W/o. V. Kumaresan,

No.12, Officers Colony Main Road,

Next to Sri Krishna Apartments,

Sathyavathy Nagar, Padi, Chennai – 600 050.

..Respondent / Judgment Debtor / Defendant

This petition came up before this Court for final hearing on 20.07.2026 in the presence of M/s. A.Shaik sulaiman learned counsel for the Petitioners / Decree holders / Plaintiffs, Respondents set exparte in the main execution petition, and upon hearing on petitioner side and on perusal of oral and

documentary evidence, having stood over for consideration till this day, this court passed the following:

ORDER

This Execution Application filed under Order 21 Rule 35(3) of the Code of Civil Procedure, 1908, by the Petitioner/Decree Holder, praying for the order enabling the bailiff to break open the locks of the petition premises and to deliver the vacant possession ensuring the execution of the delivery warrent issued by this Court in the above Execution Petition.

2) The Petitioner/Decree Holder filed the Execution Petition (E.P. No. 38/2025) for execution of the decree in O.S. No. 343/2023 passed by this court against the Judgment Debtor/Respondent herein, for realization of a sum of Rs.4,32,320/- by way of delivery of the suit scheduled property. This court ordered the Judgment Debtor to deliver the vacant possession as per the Order dated 06.04.2026 in E.P.No.38/2025 in O.S.No.343/2023 on the file of this Court.

3) As per the directions issued in the aforesaid order, this Court issued a delivery warrant, which was returned to this Court with the endorsement of the Bailiff as: "Judgment Debtor (JD) objected, warrant not executed."

4) In this regard, Mr. Nagoor Gani, Senior Bailiff of this Court, was examined as C.W.1 and deposed that, upon receiving a Delivery Warrant on April 18,

2026, in E.P. No. 38/2025 (arising out of O.S. No. 343/2023 from the 3rd Additional District Court) to deliver possession of the suit property, he visited the premises alongside the Decree Holder where an occupant named Santhini refused to vacate, claiming ownership and asserting that she received no court notice. Due to her explicit refusal to hand over possession then or in the future, the warrant could not be executed, prompting the Bailiff to return it to the Court with the official endorsement: "Judgment Debtor (JD) objection, warrant not executed."

6) Now The point for consideration before this Court is whether the Bailiff can be ordered to break open to execute the delivery warrant or not ?

7) The present application has been filed under Section 151 of the Code of Civil Procedure, 1908, which saves the inherent power of the Court to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the Court.

8) The report of the Senior Bailiff (CW1) unequivocally establishes that there is active and wilful resistance from the judgment debtor, which has prevented the lawful execution of the delivery warrant issued by this Court. The resistance offered by the Judgment Debtor amounts to obstruction of the Court's process and cannot be countenanced.

9) In the result this petition is allowed under order 21 rule 35(3) that, the Senior Bailiff, Nazir Section, Poonamallee, authorized to break open the locks, if necessary, and to secure the disconnection of the electricity connection through the concerned office, to ensure compliance with this order. Dictated to the Steno-typist directly, typed by him in the computer, corrected and pronounced by me in the open court, this the 4th day of August 2026.

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

Exhibits and Witness on both sides :- Nil.

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