

**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.2/2026
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 Section 151 of the Code of Civil Procedure, 1908, by the Petitioner/Decree Holder, praying for a direction to the Inspector of Police, T-3 Korattur Police Station, Chennai – 600 080, to facilitate the bailiff to avail police aid while executing the delivery warrant 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, delivery of the possession of petition mentioned property. Upon perusal of the Petition 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."

5) Now The point for consideration before this Court is whether the Bailiff can be provided with police assistance to execute the delivery warrant or not ?

6) The present application has been filed under Section 151 of the Code of Civil Procedure, 1908, which enable this 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.

7) The report of the Senior Bailiff (CW1) unequivocally establishes that there is active and wilful resistance 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. The Hon'ble Supreme Court of India, in the case of **Rahul S. Shah vs. Jinendrakumar Gandhi & Ors., 2021 SCC OnLine**

SC 341 held that,

Para 42. All Courts dealing with suits and execution proceedings shall mandatorily follow the below-mentioned directions

15. The Executing Court may on satisfaction of the fact that it is not possible to execute the decree without police assistance, direct the concerned Police Station to provide police assistance to such officials who are working towards execution of the decree. Further, in case an offence against the public servant while discharging his duties is brought to the knowledge of the Court, the same must be dealt stringently in accordance with law.

In light of the above authoritative pronouncement and the factual matrix of the present case, where the Judgment Debtor has actively resisted the execution of the warrant, and from the evidence of the bailiff this Court is satisfied that police assistance is indispensably required to overcome the anticipated resistance and ensure the effective execution of its process.

8) In the result this petition is allowed under order 21 rule 35 (1) to (3) that

(a) The Inspector of Police, T-3 Korattur Police Station, is hereby directed to provide adequate and necessary police protection to the Bailiff of this court to enable him to execute the Warrant of Delivery in E.P. No. 38 of 2025 peacefully and without any obstruction.

(b) The Senior Bailiff, Nazir Section, Poonamallee, is directed to fix a date for execution and coordinate with the aforementioned police station.

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.**