

IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.

PRESENT: Selvi.A.Keerthana, B.A., L.L.B.,
District Munsif, Ponneri.

Tuesday, the 21st day of July 2026

EXECUTION PETITION NO.1 of 2022
in
Original Suit No.126 of 1995

1. P.Shanmugam (died)

2. S.Sarojini (died)

3. Mr.S.Murthy

4. Mr.S.Sadasivam

5. Mr.S.Selvaraj

6. Mr.S.Kanchana

7. Mr.S.Kumar

..... Petitioners/Decree Holders

Versus

1. Mrs.M.Sulochana (died)

2. Mr.M.Ragu

3. Mrs.Girija

4. Mrs.Suganthi (Amended as per order in IA.6 of 2025 dated 24.02.2026)

(The 1st Respondent legal heirs of the Respondents 3 and 4 impleaded as per order in IA.No.2 of 2022 dated 19.12.2023 and Amended as per order in IA.5 of 2024 dated 21.10.2024)

..... Respondents/Judgment Debtors

This petition came on 02.07.2026 before this court for final hearing in the presence of Mr.P.V.Muralidhar, Learned counsel for the petitioner/Decree holder and the Respondents/Judgment Debtors 2 to 4 were set exparte. Upon hearing both sides and on perusal of the material case records, this Petition having stood over for consideration till this day, this Court delivers the following:

ORDER

1. This petition is filed under Order 21 Rule 35 of Civil Procedure Code to order notice to the respondents and delivery the property.

2. Brief averments of the Petition filed by the Decree Holders are as follows:

The Petitioners herein are the Decree Holders in respect of the petition premises, whereas the Respondents are the Judgment Debtors. The suit for partition filed on 28.03.1995, for seeking half share against the respondents and the preliminary decree was passed on 13.10.2005, Final Decree was passed in IA.No.687 of 2014 final decree was passed on 17.10.2019 and appointed Advocate Commissioner who has visited and filed his report, on 11.07.2019 and divided into two equal halves as per this court, based on which the Final Decree was passed by way of allotting the properties on Eastern side to the Share of the petitioners/decreed holders and for putting them in possession. Due to the willful non-compliance of the Final decree by the Judgment Debtors, the Decree Holders have filed the present application seeking enforcement of the Final decree by way of recovery of possession. Hence, this petition.

3. Evidence:

Neither the petitioners nor the respondents have placed any oral or documentary evidence before this court.

4. Point for Determination:

Whether this petition can be allowed or not.

5. Discussion and Findings:-

5.1. Heard. Records perused. The present execution petition has been filed by the petitioners/decreed holders seeking delivery of vacant possession of the petition mentioned property from the respondents/judgment debtors. This execution petition

arises from the Final decree dated 17.10.2019 passed in IA.No.687 of 2014, wherein defendants/judgment debtors were directed to hand over possession of the suit property. The present execution petition has been filed due to the failure of the respondents to comply with the terms of the said decree.

5.2. Upon hearing the rival submissions, it is a well-settled principle of law that an Executing Court cannot go behind the decree or question its legality or correctness. The respondents who dispute the validity of the decree, till date have not challenged the same. In this regard, reference is made to the decision of the Hon'ble Supreme Court in *Rameshwar Dass Gupta v. State of U.P. & Another*, (1996) 5 SCC 728, wherein it was held:

“An executing court cannot travel beyond the order or decree under execution.”

A similar view was reiterated in *Bhawarlal Bhandari v. Universal Heavy Mechanical Shifting Enterprise*, (1999) 1 SCC 558, wherein the Hon'ble Supreme Court observed:

“It is trite law that an executing court cannot go behind the decree that is to be executed and give relief to the judgment debtor that was expressly denied to him.”

The rationale behind these decisions is that once a decree has attained finality, the Executing Court is bound to enforce it in its true spirit and cannot reopen issues that have already been adjudicated. The jurisdiction of the Executing Court is limited to implementing the decree as it stands, and it has no power to re-examine the merits or validity of the original judgment.

5.3. In *Rahul S. Shah v. Jitendra Kumar Gandhi & Ors.*, (2021) 6 SCC 418, the Hon'ble Supreme Court emphasized the urgent need to ensure that decree holders are not deprived of the fruits of their litigation due to dilatory tactics adopted by judgment debtors. The Court observed:

“25. These provisions contemplate that for execution of decrees, the Executing Court must not go beyond the decree. However, there is a steady rise of proceedings akin to a re-trial at the time of execution, causing failure of realisation of the fruits of the decree and relief which the party seeks from the Courts despite there being a decree in their favour. Experience has shown that various objections are filed before the Executing Court and the Decree Holder is deprived of the fruits of litigation, while the Judgment Debtor, in abuse of the process of law, continues to benefit from the subject matter which he is otherwise not entitled to.”

5.4. In the same judgment, the Hon'ble Supreme Court further directed that all execution petitions must be disposed of within a period of six months from the date of filing, thereby ensuring that the process of execution does not become a source of undue hardship or delay. In the present case, the Final decree in IA.No.687 of 2014. has attained finality, and there has been no valid stay or setting aside of the same till date. The respondents have neither complied with the Final decree nor vacated the premises, despite the lapse of the time granted therein. Their continued possession amounts to a willful disobedience of a lawful decree of this Court. The decree holders, therefore, is entitled to the benefits of the decree and to recover possession in accordance with law.

5.5. Accordingly, this Court, applying the settled principles of law and guided by the ratio laid down in *Rameshwar Dass Gupta v. State of U.P.*, *Bhawarlal Bhandari v. Universal Heavy Mechanical Shifting Enterprise*, and *Rahul S. Shah v. Jitendra Kumar Gandhi & Ors.*, is of the considered view that the decree holders are entitled to the fruits of the decree. Execution is not a mere formality but a continuation of the process of justice. Hence, this execution petition stands allowed. The respondents/judgment debtors are directed to deliver the suit property to the decree holders forthwith, in accordance with the Final decree passed in IA.No.687 of 2014.

6. RESULT :-

In the result, this execution petition is hereby allowed. Delivery by 20.08.2026. Pay batta in 3 days. Call on 20.08.2026.

Dictated by me to the steno-typist, directly typed by her in her desktop, corrected and pronounced by me in the open court, on this the 21st day of July 2026.

**DISTRICT MUNSIF,
PONNERI.**

Both side witnesses and documents:- NIL

**DISTRICT MUNSIF,
PONNERI.**

Fair/ Draft Order
E.P.No.1/2022
OS.No.126/1995
Date: 21.07.2026
DMC,PNI.