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E.P.Nos.13 to 15 of 2021 and
A.Nos.3112, and 3113 of 2024 and
A.Nos. 4644, 4646, 3485, 3486, 4610 & 4611 of 2021

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P.VELMURUGAN,J.,

E.P.No.13 of 2021 has been filed by the decree holder to issue an order to the judgment debtor to hand over vacant possession of the schedule property to the decree holders.

2 E.P.No.14 of 2021 has been filed to issue an order of arrest of the judgment debtor for payment of monies under the execution petition.

3 E.P.No.15 of 2021 has been filed to issue order to seizure of the documents mentioned as item No.1 and 2 in the schedule attached, which are currently in the possession of the judgment debtor and hand over the same to the decree holder.

4 Despite giving sufficient opportunity, the judgment debtor has not chosen to file counter and hence this Court has no other option except ordering delivery on hearing the execution petitioner/decreed holder.

5 It is seen that this Court decreed the suit in C.S.No.509 of 2011 on 26.11.2019, against which, the judgment debtor filed an Original Side



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Appeal before the Division Bench of this Court. Even though the Division Bench of this Court had earlier granted an order of stay in favour of the judgment debtor, subsequently the Original Side Appeal was dismissed on 14.03.2024. Against the dismissal of the Original Side Appeal, the judgment debtor preferred SLP, which was also dismissed on 14.05.2024.

6 Learned counsel for the petitioner/decreed holder would submit that the review filed by the judgment debtor against the order passed in the SLP was also dismissed on 18.07.2024. Therefore the judgment debtor lost his case before the Hon'ble Supreme Court of India.

7 Learned counsel for the judgment debtor has submitted that they have filed change of vakalat and sought time.

8 It is settled proposition of law that in execution proceedings when the Court given sufficient opportunity, it is for the party to proceed further. The execution petitioner/decreed holder has got valid executable decree, which was upheld by the Division Bench of this Court and also the Hon'ble Supreme Court.

9 In view of the above facts, there shall be an order of delivery and since already on an earlier occasion when the bailiff, who went to the



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property to take possession as ordered by this Court, expressed his difficulty, suitable police protection shall be given to break open the door and to deliver the possession. Batta in three days for taking delivery.

10 Further, the judgment debtor is directed to pay the decree amount and hand over the documents mentioned in the decree within a period of 30 days from the date of receipt of this order, failing which, there shall be an order of arrest of the judgment debtor.

11 Registry is directed to issue warrant on payment of batta, if the judgment debtor has not paid the amount within the stipulated time. Subsistence allowance shall be paid by the decree holder as per rules.

31.07.2024

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