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CRP Nos. 3181 and 1097 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

**CRP Nos. 3181 and 1097 of 2026
and CMP Nos.5736 and 13921 of 2026**

1. Ravichandiran
S/o. Balaraman Gounder Mettu Karkonam
Village Karkonam Post Tiruvannamalai
Dist. and 2 Others
2. Usha
W/o. Ravichandiran Mettu Karkonam
Village Karkonam Post Tiruvannamalai
Dist.
3. Gunanithi
S/o. Ravichandiran Mettu Karkonam
Village Karkonam Post Tiruvannamalai
Dist.

Petitioners in both the revisions

Vs

Karunanithi
S/o. Balaraman Gounder Mettu Karkonam
Village Karkonam Post Tiruvannamalai
Dist.

Respondent in both the revisions

C.R.P.No.3181 of 2026

Revision filed under Article 227 of the Constitution of India to set aside the order dated 02.06.2026 passed by Principal District Munsif Court, Tiruvannamalai made in E.A.No.05 of 2026 in E.P.No.44 of 2023 in O.S.No.148 of 2022.



C.R.P.No.1097 of 2026

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Revision filed under Article 227 of the Constitution of India to set aside the order dated 25.11.2025 passed by Principal District Munsif Court, Tiruvannamalai made in E.A.No.03 of 2025 in E.P.No.44 of 2023 in O.S.No.148 of 2022.

For Petitioner(s): B.Jawahar

For Respondent(s): M/s.C.Munusamy

COMMON ORDER

Heard the learned counsel for the petitioners and the learned counsel for the respondent.

2. The petitioners are the judgment debtors in the execution proceedings. The respondent, as plaintiff, has filed a suit in O.S.No.148 of 2022 for declaration and recovery of possession from the revision petitioners based on a registered partition deed, to which the petitioners themselves are parties. Admittedly, the petitioners remained exparte and decree came to be passed in favour of the respondent/plaintiff. Even in the execution petition, the petitioners remained exparte which has led to an order of delivery of possession, which is now challenged in the present revision.

3. Though stay was granted in the earlier revision in CRP No.1097 of 2026,



CRP Nos. 3181 and 1097 of 2026

taking into account the pendency of the setting aside application, subsequently, it appears that the stay was not extended and therefore, the executing Court has proceeded with the execution petition and passed an order for delivery, which is now under challenge in CRP No.3181 of 2026.

4. Learned counsel for the petitioners submits that though the petitioners have been set exparte, they have been deprived of an opportunity to safeguard their own property. Learned counsel brings to my notice that even in the Partition Deed, only an extent of 9 ½ cents in Survey No.59/4 has been allotted to the respondent, who is the brother of the petitioners, who is the decree holder in the execution petition. However, mischievously, the respondent has described the suit property as 10 cents and is attempting to allege that the petitioners are trespassers or encroachers and thereby depriving the petitioners of their own property.

5. Learned counsel for the respondent would state that the petitioners despite being served with summons did not come forward to contest the suit, which resulted in an exparte decree and even in the execution proceedings, the petitioners did not diligently prosecute the same and the execution petition also came to be ordered exparte. Learned counsel further states that only in order to protract the proceedings, the



CRP Nos. 3181 and 1097 of 2020

petitioners have filed the present revision petition and there is no merit in this revision.

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6. I have considered the submissions of the learned counsel on either side and perused the materials available on record.

7. I find that the matter can be given a quietus considering the fact that the petitioners and the respondent are own brothers. Admittedly, there is no dispute that they are parties to a registered partition deed dated 23.10.2017. The suit property pertains to Survey No.59/4. The said extent of 9 ½ cents in Survey No.59/4 has been admittedly allotted to the respondent/deed holder with four definite boundaries as can be seen from the registered partition deed, a copy of which is made available in the typed set of papers. The said partition deed has also been marked as Ex.A.4 before the trial Court.

8. The petitioners admittedly do not dispute the execution of the said partition deed and therefore, if the respondent is entitled to any extent in the said 9 ½ cents within the four boundaries mentioned in S.No.59/4, as set out in the registered partition deed dated 23.10.2017, then the petitioners are bound to deliver possession of the same.



CRP Nos. 3181 and 1097 of 2020

9. It is needless to state that if any portion over and above the said 9 ½ cents available, it shall be retained by the petitioners. In order to give a quietus, I am inclined to dispose of the revisions with the following directions to the executing Court:-

(i) The executing Court shall direct the Court Bailiff to be accompanied by the Taluk Surveyor concerned and measure Survey No.59/4 in line with the Partition Deed dated 23.10.2017, “D” schedule allotted to the respondent/deGREE holder, which is mentioned as follows:-

D ஷெட்யூல் நம்மில் 4-ம் நபர் திரு.கருணாநிதி அவரிகளின் சொத்து விபரம் திருவண்ணாமலை மாவட்டம் பதிவு மாவட்டம் கலசபாக்கம் சப்டி சேர்ந்த திருவண்ணாமலை தாலுக்கர் மல்லப்பன்நாயக்கன்பாளையம் கிராமம்.

வ எண்	சர்வே எண்	பாக விவரம் பாக	மதிப்பு ரூபாய்
1.	115/5	ஏர்ஸ் 0.83.0 இதில் ரவிச்சந்திரன் பாகத்திற்கு (கி) கார்த்திகாணம் மற்றும் கமலபத்தூர் கிராம எல்லைகளுக்கு (மே)(தெ) புல எண். 115/6க்கு (வ) இதன் மத்தியில் ஏக்கர், 0.68½ செண்ட்	10275.00
2.	59/5	ஏர்ஸ் 0.08.0 இதற்கு ஏக்கர், 0.20 செண்ட் பூரா	30000.00



3.	59/3	ஏர்ஸ் 1.86.5 இதில் சி.ரவிச்சந்திரன் இடத்திற்கு(தெ) சிவா, அயோத்தி, வகையரா இடத்திற்கு (வ) ரவிச்சந்திரன் பாகத்திற்கு (கி) கோவிந்தசாமி மற்றும் நன்னி வகையரா இடத்திற்கு (மே) இதன் மத்தியில் ஏக்கர் 1.61 செண்ட் நிலம்	214500.00
4.	59/4	ஏர்ஸ் 0.45.0 இதில் ரவிச்சந்திரன் பாகத்திற்கு (கி) என்னுடைய பாகத்திற்கு (தெ)(மே) சிவா, அயோத்தி இடத்திற்கு(வ) இதன்மத்தியில் ஏக்கர் 0.09½ செண்ட்	14250.00
5.	59/3	1.86.5 ஏர்ஸ் இதில் உள்ள 0.19½ செண்டில் கிணர் இடத்தில் 3-ல் 1-பாகம் ஏக்கர் 0.06½ செண்ட் நிலம்	9750.00
6.	59/3	இதில் உள்ள கிணர் 1-ல் 3-ல் 1-பாகம் பாகம் மற்றும் மேற்படி கிணற்றில் இயங்கிவரும் 5-எச்-பி மின்மோட்டார்சிப்டிங் சர்வீஸ் எண் 21 உள்பட 3-ல்-1 பாகம்	10000.00
		ஆக மதிப்பு ரூ	408250.00

(ii) The above said property shall be identified and possession of the same, if any, or portion thereof is found to be in the occupation of the petitioners shall also be delivered to the respondent/plaintiff.

10. Learned counsel for the petitioners submits that the Surveyor who is going to accompany the Court Bailiff may also measure “C” schedule property in the very same Survey No.59/4 allotted to the petitioners of an extent of 46 ½ cents , which is also bounded on four definite sides. Learned counsel for the petitioners undertakes to bear



CRP Nos. 3181 and 1097 of 2020

the entire cost of the Survey. The petitioners have no grievance with regard to their enjoyment of the properties allotted to them under the Partition Deed. Hence, I do not see any requirement to measure “C” schedule property also.

11. This exercise shall however not come in the way of the petitioners, seeking independent survey to measure their property in terms of the Partition Deed, if so advised.

12. The Executing Court shall complete the above exercise on or before 31.08.2026.

13. Needless to state that till this exercise is undertaken, no coercive steps shall be taken against the petitioners.

14. With the above directions, both the Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

03.07.2026

sr
Index:yes/no
Website:yes/no
Speaking Order/Non-speaking Order

To

The Principal District Munsif Court, Tiruvannamalai

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CRP Nos. 3181 and 1097 of 2026

P.B.BALAJI,J

sr

CRP Nos. 3181 and 1097 of 2026

03.07.2026