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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.07.2026**

CORAM

THE HONOURABLE MR JUSTICE S. SOUNTHAR

**C.R.P(MD).No.1742 of 2026
and C.M.P(MD).No.8375 of 2026**

K.Muralidharan

... Petitioner

Vs

Nayagam

... Respondent

Prayer: Petition is filed under Section 115 of the Code of Civil Procedure, to allow the civil revision petition by setting aside the order and decree dated 08.12.2025 made in E.P.No.73 of 2015 in O.S.No.36 of 2006 on the file of the learned District Munsif cum Judicial Magistrate Court No.I, Srivilliputhur.

For Petitioner : Mr.M.Thirunavukkarasu

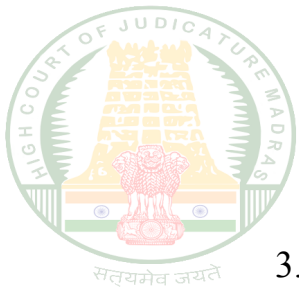
ORDER

The civil revision petition is filed challenging the order passed by the Executing Court allowing the execution petition filed by the respondent in E.P.No.73 of 2015 seeking enforcement of Clause-2 of the compromise decree passed in O.S.No.36 of 2006 on the file of the District Munsif cum Judicial Magistrate Court No.1, Srivilliputhur, dated 08.12.2025.



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2.It is not in dispute that the petitioner herein filed a suit in O.S.No.36 of 2006 against one Srinivasan and the respondent herein seeking permanent injunction. In the said suit, a compromise decree was passed on 28.10.2009. As per Clause-2 of the compromise decree, the petitioner has to effect Sub-division of 3 acres out of total extent of 5 acres and 75 cents and hand over the same to the respondent herein. Since the petitioner failed to act in accordance with Clause-2 of the compromise decree, the instant execution petition has been filed by the respondent seeking its enforcement. The petitioner herein filed counter and opposed the execution petition mainly on the ground that subsequent to the compromise decree, the suit properties were surveyed by the Tahsildar of Srivilliputhur, on 23.12.2011 and separate subdivision had been effected and the property was allotted to the respondent Nayagam as per the compromise decree. Therefore, according to the petitioner, Clause-2 of the compromise decree has already been given effect to and therefore, the present execution petition filed by the respondent was not at all maintainable.



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3.A perusal of the counter filed by the petitioner in the execution petition would indicate that the properties were surveyed on 23.12.2011 by Tahsildar of Srivilliputhur and separate subdivisions have been effected in respect of survey numbers of the suit property. As per the counter affidavit, the respondent was allotted 28 ares in S.No.558/2B2B and 23.5 ares in S.No. 558 / 1A3. Therefore, the respondent was allotted only 51 ares in two subdivision numbers. As per the compromise decree, he must be allotted 3 acres, out of total extent of 5 acres 75 cents. However, as per the averment of the petitioner in his counter affidavit, the respondent was given exclusive possession over a property with an extent of 51 ares, equivalent to about 1.25 acres. Therefore, even as per the admission made by the petitioner in his counter, the respondent has not been allotted 3 acres as per the Clause-2 of the compromise decree. In such circumstances, the contention raised by the petitioner as if Clause-2 of the compromise decree was already given effect to cannot be accepted.

4.The Executing Court, taking into consideration that the respondent was not given 3 acres with separate subdivision as per the Clause-2 of the compromise decree, has rightly allowed the execution petition by directing



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the petitioner to take steps for effecting subdivision and allotment of three acres to the respondent as per Clause-2 of the Compromise decree. I do not find any error in the impugned order and accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

08.07.2026

NCC : Yes/No
Index : Yes/No
Rmk

To

- 1.The District Munsif cum Judicial Magistrate Court No.I, Srivilliputhur.
- 2.The Section Officer,
VR Section, Madurai Bench of Madras High Court, Madurai.



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S. SOUNTHAR.J.

Rmk

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