

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD).No.14 of 2016
and C.M.P.No.56 of 2016

1.Gurunathan

2.Sembayee

... Petitioners

Vs.

Palanigounder @ Palanisamy

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 27.04.2015 made in E.P.No.27 of 2011 in O.S.No.1024 of 1993 on the file of the Principal District Munsif, Bhavani, Erode District.

For Petitioners : Mr.C.Munusamy

ORDER

Challenging the fair and final order passed in E.P.No.27 of 2011 in O.S.No.1024 of 1993 on the file of the Principal District Munsif, Bhavani, the defendants have filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.1024 of 1993 for declaration and permanent injunction.

3.The trial Court decreed the suit on 11.11.1998. Subsequently, the plaintiff filed an Execution Petition in E.P.No.27 of 2011 under Order 21 Rule 11 (2) of the Civil Procedure Code to arrest the Judgment Debtors for violating the decree for permanent injunction. In the petition, the Decree Holder has specifically stated that the Judgment Debtors violated the decree for permanent injunction on 06.02.2010, 14.10.2010 and 10.03.2011 by trespassing into the suit property. The 1st Judgment Debtor filed a detailed counter wherein he has not denied or disputed the averments stated in the petition filed by the Decree Holder.

4.When the Judgment Debtors have not disputed that they have violated the decree for permanent injunction, the Execution Court has rightly allowed the Execution Petition and ordered arrest. The decree passed by the trial Court has become final and it should not remain as a paper decree and the Judgment Debtors cannot violate the order of injunction. In these circumstances, the order of the Execution Court ordering arrest of the Judgment Debtors is just and proper.

5. In these circumstances, I do not find any merits in the Civil Revision Petition and the same is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

06.01.2016

To

The Principal District Munsif,
Bhavani,
Erode District.

M.DURAIWAMY,J.
va

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