



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (NPD) No.1773 of 2016

Syed Ibrahim

... Petitioner/Respondent/Defendant

Vs.

Nasar

... Respondent/Petitioner/Plaintiff

Prayer: The Civil Revision Petition is filed under Section 115 of C.P.C., praying to set aside the petition and order dated 08.08.2016 passed in E.P.No.21 of 2014 on the file of the District Munsif cum Judicial Magistrate Court, Ilayankudi in A.S.No.122 of 2010 on the file of the Sub Court, Sivagangai in O.S.No.76 of 2008 on the file of the District Munsif cum Judicial Magistrate, Ilayankudi.

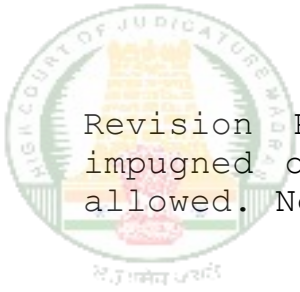
For Petitioner : Mr.J.Lawrance

For Respondent : Mr.S.Srinivasa Raghavan

O R D E R

The defendant in O.S.No.76 of 2008 on the file of the District Munsif Court, Ilayankudi is the revision petitioner herein. It is a suit for declaration and permanent injunction. The suit was originally dismissed. But on appeal, it was decreed. It is relevant to mention herein that the suit prayer is one for declaration and injunction alone. But the E.P.No.21 of 2014 was filed seeking the relief of recovery of possession strangely. After hearing both parties, the Executing Court allowed the E.P.No.21 of 2014. Questioning the same, the Civil Revision Petition has been filed.

2. The decree holder can execute only the decree which was granted to him. He cannot ask for a larger relief before the Executing Court. Therefore, the order impugned in the Civil



Revision Petition deserves to be set aside. Accordingly, the impugned order is set aside and the Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar(CS-I)

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/TRUE COPY/

Sub Assistant Registrar(CS-I)

To

The District Munsif cum Judicial Magistrate,
Ilayankudi.

+1. C.C. to M/S.J.Lawrance, Advocate SR.No. 85518

+1. C.C. to M/S.S.Srinivasa Raghavan, Advocate SR.No. 85546

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