

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(P.D).No.3788 of 2016
and C.M.P.No.19310 of 2016

T.Kaveri ...Petitioner

Vs

K.Munusamy ...Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India as against the fair and decretal order dated 18.07.2016 made in E.A.No.77 of 2015 in E.P.No.6 of 2014 in O.S.No.205 of 2011 on the file of the District Munsif Court, Krishnagiri.

For Petitioner : Mr.Mukund R.Pandian

For Respondent : Mr.J.Hariharan
for Mr.V.Nicholas

ORDER

The Civil Revision Petition has been filed as against the fair and decretal order dated 18.07.2016 made in E.A.No.77 of 2015 in E.P.No.6 of 2014 in O.S.No.205 of 2011 on the file of the District Munsif, Krishnagiri,

thereby dismissed the petition filed by the respondent for amendment of the suit property.

2.The respondent filed the suit for declaration, permanent injunction and mandatory injunction in respect of the suit property. The said suit was decreed on 21.11.2013. It became final and the respondents filed the execution petition in E.P.No.6 of 2014, pending execution petition, the respondent filed a petition in E.A.No.77 of 2015, to amend the suit schedule property, in respect of its subdivision, which was already wrongly mentioned in the plaint. The said petition was dismissed by the Court below by an order dated 18.07.2016, for the reason that the said decree can be executed only on the basis of the specific four boundaries mentioned in the decree, thereto mentioning the wrong Survey No become lost its significance.

3.Aggrieved by the same, the respondent did not prefer any revision petition. But the petitioner preferred this Civil Revision Petition on the ground that the boundaries described in the plaint and the prayer in the execution petition are completely different, and further stated that not only the Survey Nos of the suit property differs but also the extent and boundaries of the suit property differs. Therefore, the Court below cannot

execute the decree on the basis of the boundaries mentioned in the suit schedule property. It is also seen that the petitioner never filed any counter before the execution Court disputing the boundaries mentioned in the execution proceedings. Without doing so, they cannot have any objections in the order passed by the Court below.

4.herefore, this Court finds no infirmity or irregularity in the order passed by the Court below in E.A.No.77 of 2015 in E.P.No.6 of 2014 in O.S.No.205 of 2011 dated 18.07.2016 on the file of the District Munsif Court, Krishnagiri, and accordingly, the Civil Revision Petition is dismissed. The execution petition is of the year 2014, the execution Court is directed to dispose of the same within a period of six months from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is closed.

22.01.2021

Index:Yes/No

Internet: Yes/No

Speaking Order: Yes/No

Jer

The District Munsif, Krishnagiri.

G.K.ILANTHIRAIYAN.J,

C.R.P.(P.D).No.3788 of 2016

Jer



C.R.P.(P.D).No.3788 of 2016
and C.M.P.No.19310 of 2016

WEB COPY

22.01.2021