

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2021

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.699 of 2016
and C.M.P.No.3601 of 2016

Rasagounder

... Petitioner/ Petitioner

Vs.

1.Ramasamy

2.S.K.Shanmugam

3.Ramasamy

4.K.Ramasamy

5.Periyasamy

6.Arumugam

7.Pongiya Gounder

8.S.K.Muthusamy

Perumal Gounder (Deceased)

9.Mahalingam

Rangammal (Deceased)

10.Kannammal

11.Pappathi

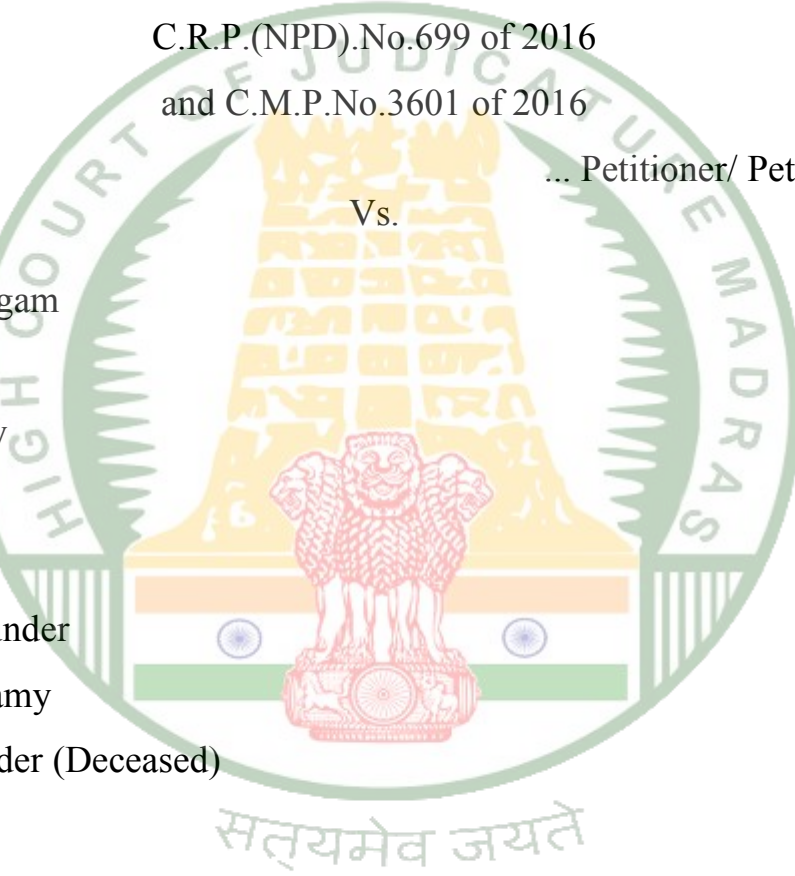
12.Vasanth

13.Ramathal

14.Lakshmi

15.Palanisamy

16.Velumani



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17.Rasammal

... Respondents/ Respondents

PRAYER: The Civil Revision Petition filed under Section 115 of C.P.C., against the fair and decreetal order dated 23.09.2015 made in E.P.No.3 of 2015 in O.S.No.33 of 2011 on the file of the District Munsif Court, Sathyamangalam.

For Petitioner : Mr.M.V.Venkatseshan

For Respondents : Mr.N.Manoharan

ORDER

(Heard through video conferencing)

This Civil Revision Petition has been filed praying to set aside the fair and decreetal order dated 23.09.2015 passed in E.P.No.3 of 2015 in O.S.No.33 of 2011 by the District Munsif Court, Sathyamangalam.

2. The Civil Revision Petitioner is the decree holder/plaintiff.

3. The Civil Revision Petitioner as plaintiff has filed the suit in O.S.No.33 of 2011 against the respondents/defendants for the relief of declaration that the agreement dated 24.02.2016 registered in No.831 of 2006 with the Sub Registrar's Office, Sathyamangalam is null and void and permanent injunction restraining the defendants from interfering with the laying of pipeline carried out by the plaintiff in the suit property. The Trial Court dismissed the same and the plaintiff challenged the Judgement and

Decree of the Trial Court by way of filing the first appeal before the Sub Court, Sathyamangalam.

4. During the pendency of the first appeal, the matter was referred to Lok Adalat and in the Lok Adalat, the parties settled the disputes and an award was passed on 23.11.2013 basing on the settlement. However, the terms of settlement is not produced before this Court. But as per the submissions made by the learned counsel for the respondents, the defendants in the suit seems to have submitted to decree and agreed not to interfere with the possession of the plaintiff in the suit property. The Civil Revision Petitioner would contend that subsequent to the settlement, the respondents/defendants interfered with his enjoyment over the suit property and caused troubles when the pipeline was laid in the suit property. Hence, the revision petitioner/decree holder/plaintiff has filed the Execution Proceedings by stating that the respondents/defendants had disobeyed the order of the Court and committed contempt and hence the defendants should be arrested and sent to Civil Prison.

5. After a detailed enquiry and also by allowing the respective parties to let in both oral and documentary evidence, the Executing Court dismissed the Execution Petition by recording a finding that the revision petitioner has not

proved before the Execution Court that the order of the Court has been violated by the respondents/defendants.

6. Heard both sides.

7. The learned counsel for the Civil Revision Petitioner submitted that the Executing Court has not properly appreciated the materials on record and has chosen to dismiss the petition wrongly.

8. The learned counsel for the respondents invited the attention of this Court to the observations made by the Executing Court that the Revision Petitioner who was examined as P.W.1, could not even say the details of the length of the pipeline work that was intended to be carried out on the alleged day in the suit property.

9. On perusal of the impugned order, it is seen that the Executing Judge has properly evaluated the oral and documentary evidences before him and arrived at a conclusion that the materials produced by the petitioner were not sufficient enough for making out a contempt against the respondents/defendants. This petition relates to an occurrence which is said to have taken place on 26.02.2014. Even after the Execution Petition was dismissed, no complaint has been made against the respondents/defendants that they

continued to interfere with the possession of the Revision Petitioner/Plaintiff in any manner. No proceedings on that score seem to be pending anywhere.

10. Taking into consideration of the length of time passed and the findings rendered by the Executing Court by properly appreciating the evidence before it, I do not find any reason for interference.

In the result, this Civil Revision Petition stands dismissed. No costs. Connected civil miscellaneous petition in C.M.P.No.3601 of 2016 is closed.

23.04.2021

Speaking/Non-speaking
Index : Yes/No
Internet : Yes/No

Sni

To

1.TheDistrict Munsif Court,
Sathyamangalam.

2.The Section Officer,
V.R.Section,
High Court, Madras.

R.N.MANJULA,J.

Sni



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