



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.R.P. (MD)Nos.827 & 828 of 2021 (NPD)
and
C.M.P. (MD)Nos.4462 & 4467 of 2021

Muthuram ... Petitioner in both C.R.Ps.
Petitioner/Respondent/Defendant

Vs.

Pushbam ... Respondent in both C.R.Ps.
Respondent/Petitioner/Plaintiff

COMMON PRAYER: Petitions filed under Section 115 of Civil Procedure Code, to against the fair order and decreetal order dated 13.01.2020 passed in E.A.Nos.21 & 22 of 2018 in E.P.No.02 of 2016 in O.S.No.17 of 2009 on the file of District Munsif Court cum Judicial Magistrate Court No.1, Sattur.

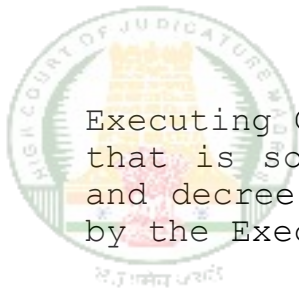
For Petitioner : Mr.K.Sudalaiyandi
(In both C.R.Ps)

COMMON ORDER

These revision Petitions have been directed against the orders passed by the Executing Court in E.A.Nos.21 & 22 of 2018 in E.P.No.02 of 2016 in O.S.No.17 of 2009, on the file of District Munsif Court cum Judicial Magistrate Court No.1, Sathur. The respondent herein filed the said suit seeking relief of declaration and mandatory injunction. By judgment and decree dated 05.10.2015, the suit was decreed. To execute the same, E.P.No.02 of 2016 was filed. In the said Execution Petition, petitioner herein filed two Execution Applications. One Execution Application was for dismissing the Execution Petition itself. The other Execution Application was for appointing an Advocate Commissioner. Both Execution Applications have been dismissed by the impugned orders. They are put to challenge in these Civil Revision Petitions.

2. The learned counsel appearing for the revision petitioner reiterated all the contentions set out in the memorandum of grounds.

3. I wanted to know whether the judgment and decree obtained by the respondent in her favour has been put to challenge before any appellate Court. The answer is in the negative. When the judgment and decree is very much holding good and appears to have attained finality, the Executing Court cannot go beyond the same. The



Executing Court is obliged to give effect to the judgment and decree that is sought to be executed. It is not shown that the judgment and decree is a nullity. In these circumstances, the orders passed by the Executing Court do not call for any interference.

4. Accordingly, these Civil Revision petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

The District Munsif Court cum Judicial Magistrate Court No.1,
Sattur.

+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-19160[F] dated 10/06/2021)

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