



C.R.P.(NPD).No.3083 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.3083 of 2016

1.N.S.Ramachandran
2.P.Vijayalakshmi
3.C.Sheela

.. Petitioners

Vs.

1.Edwin Rajaram
2.Samuel Rajkumar
3.Appadurai Nadar

.. Respondents

Prayer: Civil Revision Petition filed under Section 115 of C.P.C., against the order and decree dated 06.08.2016 made in E.P.No.123 of 2013 in O.S.No.276 of 1999 on the file of the District Munsif Court, Tambaram.

For Petitioner : Mr.T.Dhanasekaran

For Respondents : No appearance

ORDER

(The matter is heard through 'video conferencing')

This Civil Revision Petition is filed against the order and decree



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dated 06.08.2016 made in E.P.No.123 of 2013 in O.S.No.276 of 1999 on the file of the District Munsif Court, Tambaram.

2.The petitioners are plaintiffs and decree holders in O.S.No.276 of 1999 on the file of the District Munsif Court, Tambaram. They filed the said suit for permanent injunction against the respondents. The said suit was decreed by the judgment and decree dated 27.09.2001. The petitioners filed E.P.No.123 of 2013 under Order XXI Rule 32 of C.P.C. for arrest and detention of respondents, stating that the respondents have violated the decree passed in the suit. The respondents remained exparte in E.P. The petitioners filed proof affidavit and written arguments. In the written arguments, the petitioners have stated that the respondents have audacity to induct some third parties and thereby violated the decree and prayed for restoring the possession to the petitioners by removing the unauthorized persons. The learned Judge considering the materials placed before him, dismissed E.P.



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3. Against that order dated 06.08.2016 made in E.P.No.123 of 2013 in O.S.No.276 of 1999, the petitioners have come out with the present Civil Revision Petition.

4. The learned counsel appearing for the petitioners contended that the petitioners obtained decree of injunction against the respondents as per Order XXI Rule 32 of C.P.C. When the respondents have disobeyed the order of permanent injunction, the petitioners are entitled to seek the relief of arrest and detention, by invoking Order XXI Rule 32 of C.P.C. The learned Judge, without properly appreciating Order XXI Rule 32 of C.P.C., dismissed the E.P. and hence, prayed for allowing the Civil Revision Petition.

5. Though notice has been served on the respondents and their names are printed in the cause list, there is no representation for them either in person or through counsel.



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6.Heard the learned counsel appearing for the petitioners and perused the entire materials on record.

7.From the materials on record, it is seen that according to the petitioners, inspite of permanent injunction passed against the respondents, by violating the decree passed in favour of the petitioners, the respondents have audacity to induct some third parties in the suit property. There is nothing on record to show that who are the persons inducted in the suit property by the respondents and when they were inducted in the suit property. It is not the case of the petitioners that the respondents have encroached the suit property and thus, violated the decree passed against them. Whether encroacher's occupied the suit property at the instigation of the respondents or not cannot be decided in E.P. proceedings, especially, when the petitioners have not furnished the names of the persons alleged to have been inducted by the respondents. The claim of the petitioners lacks particulars and is vague. In view of lack of particulars with regard to violation of decree by the respondents, the



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petitioners are not entitled to the relief sought for in E.P.No.123 of 2013.

For the above reason, this Civil Revision Petition is dismissed. No costs.

24.01.2022

Index :: Yes/No
gsa

To

The District Munsif,
Tambaram.



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V.M.VELUMANI, J.

gsa

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