



WEB COPY



CRP No.4013 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.4013 of 2014

1.A.Ramadoss (Deceased)

2.Ranganayaki

3.Gunasekaran

4.Meganathan

5.Sakthivel

6.Geetha

..Petitioners

[Petitioners 2 to 6 brought on record as Lrs of the deceased sole petitioner viz., A.Ramadoss vide order dated 23.02.2018 made in CMP.No.16156 to 16158 of 2017 in CRP.No.4013 of 2014]

Vs.

1.Theepanchan (Deceased)

2.Kannabiran

3.Samikannu

4.Dhanasingh

5.Pachammal

6.Pandian

7.Moorthy

8.Hari

..Respondents

[R5 to R8 brought on record as Lrs of the deceased R1 viz., Theepanchan vide order dated 30.09.2022 made in CMP.Nos.5960 to 5962 of 2018 in CRP.No.4013 of 2014]



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Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the order and decreetal order dated 19.03.2014 passed in E.P.No.67 of 2011 in O.S.No.336 of 1996 by the District Munsif Judge, Madurantakkam, Kanchipuram District, and allow the above E.P.No.67 of 2011 in O.S.No.336 of 1996 by allowing this CRP.

For Petitioners : Mr.N.Varadharajan

For Respondents

For R1 : Died

For R2, R5 to 8 : Not ready in notice

For R3 & R4 : Mr.M.S.Subramanian

ORDER

The Civil Revision Petition has been filed as against the fair and decreetal order dated 19.03.2014 passed in E.P.No.67 of 2011 in O.S.No.336 of 1996 on the file of the District Munsif Judge, Madurantakkam, Kanchipuram District, thereby dismissing the Execution Petition filed to punish the respondents for attempting to trespass into their property.

2. The petitioner filed a suit for declaration and injunction and the same was decreed in his favour by the judgment decree dated 30.04.2001. Aggrieved by the same, the respondents filed an appeal suit and the same was also dismissed and the order passed by the trial Court was confirmed. In pursuant to



the decree, the petitioner applied for measurement of the suit property, a Surveyor was engaged and he went to the suit property on 29.1.2011 for measuring the same. However, the respondents objected and attempted to trespass into the suit property. Therefore, the petitioners filed a contempt petition before the trial Court for punishing the respondents.

3. Though, the petitioners alleged that on 29.1.2011, when the Surveyor was engaged to measure the suit property the respondents objected and trespassed into the suit property, the petitioner failed to prove the same with sufficient evidence. According to him, he lodged a complaint before the Inspector of Police, Seyyur Police Station. It was marked as Ex.P3. A perusal of Ex.P3 revealed that the allegations are completely different from the allegations made in the Execution Petition. If at all any incident as alleged took place on 29.1.2011, the petitioner would have lodged the complaint on the next day.

4. That apart, except a copy of the complaint, the petitioner failed to produce any acknowledgement or receipt from the concerned Police Station for the lodgement of the complaint. Therefore, the petitioner failed to make out any contempt as against the respondents. In fact, the petitioner also failed to mark the documents to show that he applied for measurement of the suit land and



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engagement of the Surveyor. Therefore, the Courts below rightly dismissed the petition and this Court finds no infirmity or illegality in the orders passed by the Courts below.

5. Accordingly, the civil revision petition stands dismissed. However, the petitioner is at liberty to lodge a fresh complaint on a fresh cause of action, if he so desires. No costs.

16.12.2022

Speaking/Non-speaking order
Index : Yes/No
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To

The District Munsif Judge,
Madurantakkam,
Kanchipuram District

G.K.ILANTHIRAIYAN.J,



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