



C.R.P.(MD)No.3258 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 14.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3258 of 2023

and

C.M.P.(MD)No.16825 of 2023

Thiyagarajan

: Petitioner/Respondent/
Petitioner/4th Respondent

Vs.

Meenatchiyammal (died)

1.Dhandapani

: 1st Respondent/2nd Respondent/
2nd Respondent/2nd Petitioner

2.Natarajan

3.M.Sekar

4.M.Balasubramaniam

5.M.Rajaram

6.M.Sivakumar

7.Vasanthi

8.R.Saradha

9.R.Sivakami

: Respondents 2 to 9/ Respondents 3 to 10
Respondents 3 to 10/Respondents 2, 3 & 5 to 10



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Prayer : This Civil Revision Petition filed under Article 115 of the Constitution of India, against the impugned fair and executable order in E.A.No.59 of 2023, dated 16.10.2023 in E.A.No.28 of 2010 in E.P.No.15 of 2006 on the file of the District Munsif cum Judicial Magistrate Court, Natham, Dindigul District.

For Petitioner : Mr.K.Venkittaraman

ORDER

The Civil Revision Petition is directed against the order passed in E.A.No.59 of 2023, dated 16.10.2023 in E.A.No.28 of 2010 in E.P.No.15 of 2006 on the file of the District Munsif cum Judicial Magistrate Court, Natham, Dindigul District, dismissing the petition filed under Order 21 Rule 17 of C.P.C.

2. The first respondent has filed the suit in O.S.No.1473 of 1992 to declare that the suit property is belonging to the plaintiffs and for consequential permanent injunction restraining the defendants and their men from interfering with the peaceful possession and enjoyment of the suit property and also for mandatory injunction for the removal of the wall



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shown in the suit mentioned property. After trial, decree came to be passed on 24.04.2001 and since the decree was not complied with, the decree holder has laid the execution petition in E.P.No.15 of 2006. Pending execution petition, the revision petitioner has filed a claim petition and the same is pending in E.A.No.28 of 2010. Pending claim petition, he has filed the above petition to amend the claim petition to change the share mentioned in the claim petition. The learned Judge of the Executing Court by specifically observing that the property shown in E.A.No.28 of 2010 and the property shown in the E.P. 15 of 2006 are different and that the above petition filed only to protract the execution proceedings, dismissed the petition.

3. Though the decree was passed as early as on 24.04.2001, the decree holder has been prevented from realizing the fruits of the decree till now.

4. On considering the entire facts and circumstances of the case, the impugned order dismissing the amendment petition cannot be found fault with. Hence, this Court concludes that the Civil Revision Petition is



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devoid of merits and the same is liable to be dismissed.

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5. Accordingly, the Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition closed. No costs. However, the Executing Court is hereby directed to dispose of the petition in E.P.No.15 of 2006 within a period of three months from the date of receipt of copy of this order.

14.12.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das

To

1.The District Munsif cum Judicial Magistrate Court,
Natham, Dindigul District.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

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and

C.M.P.(MD)No.16825 of 2023

Dated : 14.12.2023