



C.R.P.(MD)No.1528 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 06.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1528 of 2024

and

C.M.P.(MD)No.8971 of 2024

and

Caveat No.414 of 2024

1.Ramesh

2.Rajamohan

3.Dhamotharan

4.Muralidharan

... Petitioners / Respondents / Respondents

Vs.

Karuppaiyah

... Respondent / Petitioner / Petitioner

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records relating to the order passed by the learned District Munsif Court, Pudukkottai in E.P.No.21 of 2020 in O.S.No.273 of 1998 dated 14.02.2024 and set aside the same.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.N.Balakrishnan



C.R.P.(MD)No.1528 of 2024

WEB COPY

ORDER

Heard both sides.

2. The respondent herein filed O.S.No.273 of 1998 on the file of the Principal District Munsif Court, Pudukkottai seeking declaration and permanent injunction in respect of the petition mentioned property against Perumal / father of the revision petitioners herein. The suit was partly decreed on 13.07.2001. Questioning the disallowed portion, the respondent herein filed A.S.No.123 of 2001 before the Principal District Judge, Pudukkottai. On 07.10.2002, the appeal was allowed and the suit was decreed in *toto* as prayed for. Challenging the same, Perumal filed S.A.No.884 of 2003 before the High Court. In the meanwhile, Perumal filed specific performance suit against Karuppiah and it was also dismissed by the courts below. Challenging the same, Perumal filed S.A.No.785 of 2008. Both the second appeals were taken up together and dismissed on 25.02.2019. To execute the decree, the respondent herein filed E.P.No.21 of 2020. The executing court ordered arrest of the petitioners 1 to 3 herein vide order dated 14.02.2024. Questioning the same, this civil revision petition came to be filed.



C.R.P.(MD)No.1528 of 2024

WEB COPY

3. The learned counsel appearing for the petitioners reiterated all the contentions set out in the grounds of revision.

4. I am not swayed by the said submission. As rightly pointed out by the learned counsel appearing for the respondent, the revision petitioners have not averred before the executing court that they are ready to abide by the decree passed against them. That is why, the court below was constrained to order the arrest of the petitioners 1 to 3. It is seen that the legal heirs of Perumal including the petitioners herein filed O.S.No.243 of 2022 before the Principal Sub Court, Pudukkottai seeking permanent injunction. It is seen that the suit schedule set out in O.S.No.243 of 2022 on the file of the Principal Sub Court, Pudukkottai is same as that of the suit schedule in O.S.No.273 of 1998 on the file of the Principal District Judge, Pudukkottai. I am satisfied that the revision petitioners herein are adopting obstructionist approach. When they have suffered decree, it is their duty to gracefully abide by the same. That is what is rule of law all about. Instead every effort of the decree holder to enjoy the fruits of the decree is sought to be frustrated. Such attitude cannot be appreciated. The court below has to necessarily put down such efforts. The impugned order does not call for interference.



C.R.P.(MD)No.1528 of 2024

WEB COPY

5. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. Caveat Petition is also closed.

06.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
rmi

To:

The District Munsif Court, Pudukkottai.



WEB COPY



C.R.P.(MD)No.1528 of 2024

G.R.SWAMINATHAN, J.

rmi

C.R.P.(MD)No.1528 of 2024

06.09.2024