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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.R.P(MD)No.2311 of 2024
and
C.M.P(MD)No.13122 of 2024

1. Ponraj

2. Ravichandran

3. Lakshmi

4. Madhini

...Revision Petitioners

Vs.

1. Dr.D.Arumugam

2. Indhira Priyadharshini

... Respondents

PRAYER : Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order dated 14.06.2024 passed in E.P. No.35 of 2019 in O.S.No.739 of 1996 on the file of the Principal District Munsif Court, Nagercoil, Kanniyakumari District, by allowing this Civil Revision Petition.

For Petitioners : Mr.G.Ramanathan

For Respondents : Mr.H.Lakshmi Shankar, for
Mr.R.Murugan, for R-1



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ORDER

This Civil Revision Petition is filed by defendants 4,5,6 and 8 in the suit to set aside the Fair and Decreetal order, dated 14.06.2024 passed in E.P. No.35 of 2019 in O.S.No.739 of 1996 on the file of the Principal District Munsif Court, Nagercoil, Kanniyakumari District.

2. The suit in O.S.No.739 of 1996 was filed by the plaintiff/ 1st respondent herein for declaration that the plaintiff is entitled to have access to the suit property from all points on the northern compound wall of the plaintiff's house and vice versa and mandatory injunction to remove the construction over the schedule of property, failing which to appoint an officer to remove and collect the expenses from defendant and permanent injunction restraining the defendant from obstructing free flow of light and air into the plaintiff's house through the windows from the plaint schedule property which was enjoyed by the predecessors of the plaintiff and his family and restrain from causing nuisance by constructing any structure over the plaint property. The said suit was dismissed with cost.

3. Aggrieved over the plaintiff had preferred appeal suit in A.S.No. 70 of 1997 and the same was allowed and the prayer in the suit was granted. Based on the judgment and decree granted in the appeal suit, the plaintiff had



filed E.P. No.35 of 2019 to execute the decree and the same was allowed.

Against the said order passed in EP petition, the defendants 4, 5, 6 & 8 had filed the present civil revision petition before this Court.

4. After hearing the civil revision petition on merits this Court was inclined to dismiss the revision petition. And also directed to demolish the building. However, the defendants 4, 5, 6 & 8 / Revision Petitioners sought time to vacate the premises, since they are running commercial complex in the said building. After they vacate the premises, thereafter the building may be order to demolish.

5. Therefore, this Court is inclined to grant time, accordingly the defendants 4, 5, 6 & 8 / revision petitioners herein are directed to vacate the premises on or before **31.01.2025**.

6. The order, dated 14.06.2024 passed in E.P. No.35 of 2019 in O.S.No.739 of 1996, on the file of the Principal District Munsif Court, Nagercoil at Kanniyakumari District, shall be carried out thereafter.



7. Accordingly, this Civil Revision Petition is disposed of as stated

supra. No Costs. Consequently, connected miscellaneous petition is closed.

21.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
KSA

Note : Issue a copy of order on 18.12.2024



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- To
1. The Principal District Munsif Court,
Nagercoil at Kanniyakumari District,
 2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

KSA

Order made in
C.R.P(MD)No.2311 of 2024

21.10.2024