



CRP NPD.No.763 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

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Date : 24.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP NPD No.763 of 2024 & CMP.No.3777 of 2024

46-Pudhur Panchayat
Rep. by its President, 46 Pudhur Village,
Erode Taluk, Erode District.

... Petitioner

Versus

1. P.Dhanalakshmi
2. S.P.Karthikeyan
3. Chinnammal

... Respondents

PRAYER : Petition filed under section 115 of Code of Civil Procedure to set aside the Order dated 24.01.2024 made in E.P.No.45 of 2021 in O.S.No.19 of 2011 on the file of the Principal District Munsif Court, Erode by allowing this Civil Revision Petition.



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For petitioner : Mr.M.Guruprasad

For respondents : Mr.D.Gopal – R1 & R2

Mr.D.Lakshmipathy – R3

ORDER

Challenge has been made against Order of arrest passed by the executing Court for violating the decree and judgment dated 24.01.2024 made in E.P.No.45 of 2021 in O.S.No.19 of 2011 on the file of the Principal District Munsif Court, Erode.

2. The suit in O.S.No.19 of 2011 has been filed by the first and second respondents for permanent injunction against the petitioner and the third respondent and permanent injunction has been granted in favour of the plaintiffs and the defendants were restrained from interfering with their possession and enjoyment of schedule mentioned properties. The trial Court after considering the evidence adduced in this regard has found that there is violation by the judgment debtor.

3. When the matter came before this Court, the revision petitioner filed



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an affidavit expressing their no objection in putting up the compound wall by the decree holder in the suit property. However, the matter has been adjourned to today for settlement, if any. Though the revision petitioner expressed their willingness to pay Rs.four lakhs to the decree holders, they are not agreeable for the same.

4. As no settlement is arrived between the parties, this Court is inclined to dispose of the very revision itself. Of course, a finding has been recorded to the effect that there is violation by the revision petitioner. Considering the fact that the revision petitioner has filed an affidavit before this Court that they have no objection in putting up a compound wall by the decree holder, this Court is inclined to hold that mere punishing a person for violating will not serve any purpose. The very affidavit, filed by the revision petitioner, itself indicate that they have no objection in putting up the compound wall by the decree holders. Hence, the Order of arrest passed against the petitioner alone is set aside.

5. With the above observations, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.



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24.01.2025

Index : Yes / No
Internet: Yes
Speaking/non speaking order

vrc

To,

The Principal District Munsif,
Erode.



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N. SATHISH KUMAR, J.

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24.01.2025