



C.R.P.No.1791 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.1791 of 2025
and C.M.P.No.10346 of 2025

1. V.Innas
2. Balasubramaniam
3. Velumani @ Chinnakannu
4. Paulraj
5. Jessi

... Petitioners

Vs

Mary Vincent
represented by her Power Agent V.Jessi

... Respondent

PRAYER : Civil Revision Petition filed under Section 115 of the Civil Procedure Code, pleaded to set aside the fair and final order passed by the Principal District Munsif of Coimbatore, in E.P.No.251 of 2020 in O.S.No.1083 of 2017 dated 04.01.2025 and decree and judgment passed by the II Additional District Munsif of Coimbatore.

For Petitioner : Mr.M.Saravanakumar

For Respondent : Mr.M.Praveen Kumar



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ORDER

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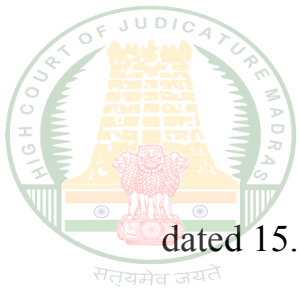
The Civil Revision Petition has been filed against the order passed by the learned Principal District Munsif, Coimbatore, in E.P.No.251 of 2020 in O.S.No.1083 of 2017 on 04.01.2025.

2. The brief facts of the case are as follows :-

2.1. The petitioners herein are the defendants in the suit filed by the respondent/plaintiff in O.S.No.1083 of 2017 before the II Additional District Munsif Court, Coimbatore, seeking for permanent injunction and for a direction to the defendants 2 to 5 to deliver the vacant possession of the suit proceedings to the plaintiff and to pay a sum of Rs.10,000/- as damages per month from the date of that suit to vacate the suit property.

2.2. In the said suit, the defendants were set ex parte and the suit was partly decreed on 15.11.2019 granting the relief of permanent injunction to the plaintiff and directing defendants 2 to 5 to handover the vacant possession of the suit property to the plaintiff within a period of two months from 15.11.2019.

2.3. Thereafter, the plaintiff/respondent had filed an execution petition in E.P.No.251 of 2020 under Order XXI Rule 11(2) and Section 151 of CPC before the Principal District Munsif Court, Coimbatore, seeking to execute the decree



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dated 15.11.2019.

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2.4. The first petitioner has filed a counter in E.P.No.251 of 2020 contending that the plaintiff had not approached the court with clean hands. The connected suit was posted for filing the written statement on 26.09.2018 and subsequently, an ex parte decree was passed on 15.11.2019 and there is no relief of eviction and there is no decree against the first respondent for eviction.

2.5. The Executing Court, finding that the petitioners have not filed any appeal against the judgment and decree in O.S.No.1083 of 2017 dated 15.11.2019 and further holding that the executing court cannot decide anything beyond the decree, had allowed the petition vide order dated 04.01.2025. Challenging the same, the present Civil Revision Petition has been filed.

3. Learned counsel appearing for the revision petitioners submitted that the first petitioner is the first defendant in the suit and there is no direction as against the first petitioner and further, the first petitioner/1st defendant has also filed a suit for partition before the Principal District Munsif Court, Coimbatore, and it is yet to be numbered. He further submitted that the Executing Court erred in allowing the petition and hence, he prayed to set aside the order dated 04.01.2025.

4. Per contra, Mr.Praveen Kumar, learned counsel, who takes notice for the



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respondent/plaintiff submitted that the decree is of the year 2019 and the execution petition was filed in the year 2020 and the petitioners had drag on the proceedings for a long time. He further submitted that though the first petitioner claims that he had filed a suit for partition, no such suit has been numbered till date and the executing Court, rightly finding that the court cannot go beyond the decree and no appeal has been filed against the judgment and decree passed in O.S.No.1083 of 2017, had allowed the execution petition. He also submitted that the case now stands posted for delivery and despite the order of the executing Court passed on 04.01.2025, the present revision petition has been filed. Hence, he sought for dismissal of the revision petition.

5. Heard the learned counsels appearing on either side and perused the materials available on record.

6. On perusal of records, this Court finds that no appeal has been filed against the judgment and decree passed in O.S.No.1083 of 2017 dated 15.11.2019 and thereby, it has become final and the execution petition was filed in the year 2020. Though the first petitioner claims that he has filed a suit for partition, it has



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not been numbered so far. The Hon'ble Apex Court, in *Periyammal (Dead)*

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that the executing Courts must dispose of the execution proceedings within six months from the date of filing. However, the petitioners have successfully dragged the execution petition for more than five years and since the judgment and decree passed in O.S.No.1083 of 2017 dated 15.11.2019 has become final, the Executing Court, finding that it cannot be go beyond the decree, had rightly allowed the execution petition. This Court does not find any illegality or infirmity in the order passed by the learned Principal District Munsif, Coimbatore.

7. Accordingly, the Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

28.04.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To 1. The Principal District Munsif Court, Coimbatore.

2. The Section Officer,

VR Section, High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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