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CRP [NPD].No.2018 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 02.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP [NPD] No.2018 of 2025 & CMP.No.11682 of 2025

A.Mylsamy [died]

1. Visalakshi
2. Jayakumar
3. Chithra
4. Santhamani

. . . Petitioners

Versus

R.Deivasigamani Gounder

. . . Respondent

PRAYER : Petition filed under Article 227 of Constitution of India to allow this Civil Revision Petition and set aside the Order passed in E.P.No.4 of 2018 in O.S.No.23 of 2004 dated 20.03.2025 on the file of the District Munsif, Pollachi.

For petitioners : Mr.G.Ponnamabalathiyagarajan



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ORDER

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Challenge has been made against the order allowing of the Execution Petition filed by the respondent herein in E.P.No.4 of 2018, in the present Civil Revision Petition.

2. The respondent had taken out an Execution Petition for possession of the property, on the basis of the final decree passed on 01.08.2013 in I.A.No.1023 of 2010 in O.S.No.23 of 2004. The revision petitioners had taken a plea in the execution petition that they were taking steps to file an appeal as against the final decree. It is their further contention that there was no proper access to their property while allotment of property made in the final decree proceedings. As the executing Court has allowed the execution petition and thereby ordered for delivery of possession, the present revision petition has been filed by the defendants/judgment debtors.

3. The main contention of the revision petitioners is that as there is no proper pathway set out in the commissioner report, the final decree cannot be



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executed. The very contention of the learned counsel appearing for the petitioners cannot be countenanced for the simple reason that the final decree has been passed in the year 2013, but the same has not been challenged till date. When the execution petition was filed, the revision petitioners, had by some way or other, protracted the issue so as to deny the benefits of the decree. It is to be noted that no appeal, whatsoever, had been filed challenging the final decree. Therefore, without challenging the final decree, in the Execution Court, the revision petitioners cannot take a different plea to non suit the decree and the judgment. Hence, I do not find any merits in this revision.

4. Accordingly, this Civil Revision Petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet: Yes
Speaking/non speaking order
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The Principal District Munsif, Pollachi.

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N. SATHISH KUMAR, J.

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