



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.3566 of 2025
& CMP.No.19230 of 2025

Udasin Bavji Mutt

... Petitioner

Vs.

Vanathatchi (Died)

1.Thilagavathi
2.B.Revathi
3.B.Latha

... Respondents

Prayer: Civil Revision Petition filed Article 227 of Constitution of India, to strike off the petition in E.P.No.4 of 2025 in O.S.No.445 of 2010 on the file of the Principal District Munsif at Kanchipuram.

For Petitioner : Mr.M.Muruganantham

For Respondents : Mr.S.Annamalai

ORDER



WEB COPY

This revision has been filed by the judgment debtor to strike off E.P.No.4 of 2025 in O.S.No.445 of 2010 on the file of the Principal District Munsif at Kanchipuram.

2.Heard Mr.M.Muruganantham, learned counsel for the petitioner and Mr.S.Annamalai, learned counsel for the respondents.

3.The judgment debtor is the owner of the property, as against whom, the suit came to be filed by the mother of the respondents, for a permanent injunction to restrain the revision petitioner from interfering with peaceful possession and enjoyment of the property. The decree holder, mother died after the decree and before the EP. Alleging wilful disobedience and breach of the decree, the respondents who are the legal representatives of the original plaintiff have filed E.P.No.4 of 2025.

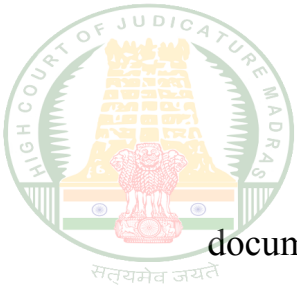
4.It is the contention of the learned counsel for the revision petitioner that the lease deed specifically contains a clause that the lease was only for the benefit of the original lessee and shall not enure to the benefit of the



WEB COPY

legal representatives. He would therefore contend that when admittedly, the lessee passed away, there is no right available to the present respondents to execute the decree, much less complain of any alleged wilful disobedience and breach of the terms of the decree. However, I find that the EP is taken up for enquiry and the petitioner has entered appearance and has not even filed counter. All these contentions can always be put across by way of a detailed counter and the petitioner can seek dismissal of the EP before the executing Court. I find that the contentions that are raised by the revision petitioner are also involving factual details which cannot be gone into by way of a roving enquiry in a revision filed under Article 227 of Constitution of India.

5. In fine, the Civil Revision Petition is dismissed, giving liberty to the revision petitioner to canvas all his objections, by way of filing a detailed counter before the executing Court. The learned counsel for the petitioner also states that the respondents have been enjoying the properties without even paying rents. All these contentions are also left open and liberty is granted to the petitioner to canvas these grounds before the executing Court. The executing Court shall also permit the parties to lead oral and



WEB COPY

documentary evidence, if they choose to do so and E.P.No.4 of 2025 shall be decided, within a period of six months from the date of receipt of a copy of this order. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

24.09.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

Internet : Yes / No

ata

To

4/6



The Principal District Munsif, Kanchipuram.

WEB COPY

P.B. BALAJI.J.

ata



WEB COPY

CRP.No.3566 of 2025
& CMP.No.19230 of 2025

24.09.2025