



C.R.P.No.4229 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P.No.4229 of 2025

V.Durairaj

... Petitioner

Vs.

Malarviz Edwin (Died)

1. K.D.Durairaj

2. G.S.Liyagath Ali

S.Abubucker (Died)

3. A.Shakila

4. K.Shabiha

5. K.Bhajiha

6. A.Rabiha

... Respondents



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Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the E.P. order passed by the learned Principal District Munsif, Kallakurichi made in E.P.No.18 of 2025 n O.S.No.224 of 2010 dated 12.08.2025 consequently issue suitable direction to the learned Principal District Munsif, Kallakurichi, to decide the E.P.No.18 of 2025 on merits affording opportunity to the petitioner.

For Petitioner : Mr.T.Dhanasekaran

For Respondents : R1 to R2 Given up
R3 to R6 no appearance

ORDER

This Civil Revision Petition has been filed to set aside the order dated 12.08.2025 in E.P.No.18 of 2025 in O.S.No.224 of 2010 passed by the learned Principal District Munsif, Kallakurichi and to issue suitable direction to the learned Principal District Munsif, Kallakurichi, to decide the E.P.No.18 of 2025 on merits affording opportunity to the petitioner.

2. The decree holder is the revision petitioner. The decree holder



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sought to execute the decree in O.S.No.224 of 2010 and filed an Execution Petition in E.P.No.18 of 2025. However, the Executing Court has dismissed the Execution Petition finding that there is no prayer for mandatory injunction directing removal of the encroachment in the suit property.

3. The learned counsel for the petitioner states that the petitioner is willing to seek amendment of the decree before the Trial Court to enable him effectively to execute decree in the suit in O.S.No.224 of 2010.

4. In the light of the above and considering that the suit is of the year 2010, liberty is granted to seek amendment of the decree before the Trial Court in the event of the petitioner moving any application for



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amendment within a period of three weeks from the date of receipt of a copy of this order. Such application shall be disposed of by the Trial Court expeditiously preferably within a period of two weeks thereafter.

5. With the above directions, this Civil Revision Petition is disposed of. No costs.

17.10.2025

Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non-Speaking Order

kv

P.B.BALAJI, J.

kv



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To
The Principal District Munsif, Kallakurichi.

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CRP No.4229 of 2025

P.B.BALAJI.,J

The matter has been taken up today under the caption “For Being Mentioned:.

2. Learned counsel for the petitioner states that the amendment which is required only for the amendment of Execution Petition in E.P No.18 of 2025 and not amendment of the decree.

3. In the light of the above, line 2 of Paragraph 4 shall read as “liberty is granted to seek amendment of EP No.18 of 2025” instead of “the decree” and the last sentence of Paragraph No.4 shall be replaced as “The amendment application shall be disposed of by the Executing Court expeditiously, preferably within a period of two weeks and ensure that the Execution Petition in E.P No.18 of 2025 also disposed of within a period of four weeks thereafter.

4. Registry is directed to issue a fresh copy of the order.



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SR



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SI

CRP No.4229 of 2025



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28.10.2025

CRP No.4229 of 2025
and CMP No.20476 of 2025

P.B.BALAJI, J.

The matter has been taken up today under the caption “For

Being Mentioned:.

2. Heard learned counsel for the petitioner.

3. The petitioner submits that this Court passed an order in CRP as the executing court is refusing to permit the petitioner to carry out the amendment since the EP has already been disposed of. He would



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therefore seek for necessary clarification in the order dated 28.10.2025 in CRP No.4229 of 2025. Para 4 of the order dated 17.10.2025 and as modified by the order dated 28.10.2025 viz.,

“4. In the light of the above and considering that the suit is of the year 2010, liberty is granted to seek amendment of the decree before the Trial Court in the event of the petitioner moving any application for amendment within a period of three weeks from the date of receipt of a copy of this order. Such application shall be disposed of by the Trial Court expeditiously preferably within a period of two weeks thereafter. “

shall be read as

“4. In the light of the above, considering that the suit was of the year 2010, the executing court, shall restore the EP to file and thereafter liberty is granted to the petitioner to seek



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amendment of the EP No.18/2025 and in the event of the petitioner moving any application for amendment within a period of two weeks from the date of receipt of a copy of this order then the said application shall be disposed of by the executing court within a period of two weeks and thereafter the main EP No.18/2025 shall be disposed of within a period of four weeks thereafter.”

24.11.2025

mtl

Issue Order Copy on 25.11.2025

P.B.BALAJI, J.

mtl



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and CMP No.20476 of 2025

24.11.2025