



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.6225 of 2025
and CMP. No.30693 of 2025

Ravy

... Petitioner

Vs.

1.Saravana Mudaliar
Vadamalai Counter (died)
Srinivasan (died)
Mayavan (died)
Jayavelli @ Lakshmipathy (died)
2.Dhanajayan
3.Saradambal @ Sadana
Kamalakannan (died)
4.Kalpana
5.Maragathambal
6.Karthikeyan
7.Annapoorani
8.Pargunnen
9.Padmavathy
10.Bharathen
11.Vissalatchy @ Vimala
12.Subramani
13.Amutha
14.Supriya
15.Sooriya

... Respondents



PRAYER: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure to set aside the docket order dated 01.12.2025 made in E.P. No.230 of 1998 in O.S. No.190 of 1971 on the file of the Principal District Munsiff Court, Puducherry.

For Petitioner	: Mr.Father Xavier Arulraj Senior Counsel for Mr.K.Balu
For Respondents	: Mr.K.S.Karthik Raja

ORDER

The 5th judgment debtor is the revision petitioner and he has filed this revision petition to set aside the docket order dated 01.12.2025, made in E.P. No.230 of 1998 in O.S. No.190 of 1971, on the file of the Principal District Munsiff Court, Puducherry

2. I have heard Father Xavier Arul Raj, learned Senior Counsel for Mr.K.Balu, learned counsel for the revision petitioner and Mr.K.S. Karthick Raja, learned counsel for the respondent/ decree holders.

3. The revision arises under a narrow compass. The judgement debtors have suffered a decree and in an Execution Petition instituted by the decree holders, the revision petitioner herein, along with one another



judgement debtor filed an application under Section 47 of the Code of Civil Procedure. The said application came to be dismissed. The order was challenged before this Court in C.R.P.No.3062 of 2013 and the revision was dismissed on 24.04.2019. Thereafter, an attempt was made by the revision petitioner, along with one Kalpana, one of the judgement debtors to seek permission to file an additional counter, raising the question of inexecutability of the decree. The said application was dismissed by the Executing Court and the same was challenged before this court in C.R.P.No. 4902 of 2025. This Court finding that there was no necessity to permit filing of an additional counter, especially after the judgement debtors had suffered adverse orders in the Section 47 petition, which also came to be confirmed by this Court, the said revision was dismissed. The matter was taken up to the Hon'ble Supreme Court and the Hon'ble Supreme Court by order dated 11.11.2025 passed the following order:

' 2.the decree in the Original Suit No.190/1971 between Sarvana Mudaliar and Vadamalai Counder is in respect of suit schedule property Cadastre No.2373 wet land. The Executing Court has passed an order directing for the execution of the decree and to take possession of the suit schedule property vide order dated 25.09.2025 which order has been upheld by the High Court in revision

3. The submission of learned Senior Cousnel for the petitioner is that instead of taking possession of the suit schedule property No.2373, the other side is trying to dispossess the petitioenr from his house which exist on Plot No.1853.

4. A perusal of the order passed by the Executing Court or even the Revisional Court does not indicate that the Executing Court has directed for delivery of possession in respect of the plot No.1853. Since the decree is in respect of the suit schedule prperty plot No.2373, it has to



be executed in respect of the said plot only. With the above clarification, the Special Leave Petition stands disposed of.'

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4. Subsequent to the order passed by the Hon'ble Supreme Court, the Executing Court passed an order on 01.12.2025 in E.P.No.230 of 1998, in and by a docket order taking note of the order of the Hon'ble Supreme Court, however finding that the property which is under the occupation of the revision petitioner is only Cadaster Number 1853 and the reference to Cadaster Number 2373 was actually referring to Pymash Number 2373 which by mistake, has been referred to as Cadaster Number 2373.

5. The specific case of the revision petitioner was that, the judgement debtors are in possession of properties comprised in Cadaster Number 1853 and not Cadaster Number 2373. The Hon'ble Supreme Court, as seen from the above order, has made it clear that the execution can go on only in respect of Cadaster Number 2373.

6. The Executing Court has made an attempt to correlate Cadaster Numbers 2373 and 1853 and found that both are referring to one and the same property and confusion arose only on account of the mistake committed in the sale deed, Exhibit A1 dated 20.07.1970 where Pymash



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Number 2373 had been wrongly stated as Cadaster Number 2373 and the boundaries in respect of both Cadaster Numbers 1853 and 2373 under which the decree holder claims right, are one and the same and therefore there was no dispute with regard to the identity of the property and therefore proceeded to order the Execution Petition and directed the Court Ameen to proceed to take possession of the property.

7. The learned Senior Counsel, Mr.Father Xavier Arul Raj, would submit that when the Hon'ble Supreme Court has specifically restricted the execution to Cadaster Number 2373 alone, the respondents cannot proceed to take possession of property situated at Cadaster Number 1853. The learned Senior Counsel would also state that earlier, an attempt was made by the respondents to amend the Cadaster Number from 2373 to 1853. However, the said application for amendment had been dismissed even as early as on 02.03.2011 and the same has become final. It is therefore the contention of the learned Senior Counsel, that the Executing Court clearly fell in error in interpreting the order of the Hon'ble Supreme Court. He would therefore pray for the revision being allowed.



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8. Per contra, Mr.K.S.Karthick Raja, learned counsel for the respondents/decreed holders, would submit that the Executing Court has been conscious of the order passed by the Hon'ble Supreme Court and has proceeded to discuss the dispute with regard to the identity of the property and came to the conclusion that it was only because Pymash Number 2373 had been wrongly mentioned as Cadaster Number 2373, the confusion has arisen and when the four boundaries of the property tallied, the judgement debtors cannot be prejudiced, or have any grievance. He would therefore state that there is no infirmity in the order of the Executing Court in ordering the Execution Petition. He would therefore pray for the dismissal of the revision petition.

9. I have carefully considered the submissions advanced by the learned Senior Counsel, Father Xavier Arul Raj and Mr.K.S.Karthick Raja, for the respective parties. I have also gone through the order passed by the Executing Court.

10.No doubt, the Executing Court has passed a detailed docket order, going into the identity of the decretal property and rendering a finding that the decretal property's Cadaster property Number 1853 is the property



which is the subject matter of the dispute and by inadvertence, in the sale deed in Exhibit A1, which was registered way back in the year 1970, Pymash Number 2373 has been mentioned as Cadaster Number No.2373, which has resulted in all subsequent confusion and problems. However, when this very issue was taken up before the Hon'ble Supreme Court, the Hon'ble Supreme Court finding that the decree is only with respect to Cadaster Number 2373, has clearly held that Execution Petition can proceed in respect of such Cadaster Number 2373 alone.

11. Even assuming there has been a mistake in mentioning the Pymash Number as the Cadaster Number, today the decree that stands in favour of the first respondent/decreed holder, is only in respect of Cadaster Number 2373. The decree holder now disowns the same and contends that it should be Cadaster Number 1853 and not Cadaster Number 2373. In fact, the decree holder himself attempted to correct the said mistake by moving an Application in E.A.No. 273 of 2003 in the Execution Petition. The said application for amendment of the schedule of property in the E.P. was dismissed by the Executing Court on 02.03.2011. The said order has attained finality, as the respondent did not take it up on appeal or revision.



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12. Be that as it may, there was no attempt made by the respondents /decree holders to amend the plaint and the decree. The request was only for the amendment of the schedule in the Execution Petition and even that has been rejected.

13. In the light of the above, considering that the Hon'ble Supreme Court has made it clear that the Execution Proceedings can be taken only in respect of Cadaster number 2373, as long as the decree as it stands today, is only mentioning cadaster number 2373, it is certainly not open to the respondent/decree holder to take delivery of the property situated in Cadaster Number 1853. Therefore, I am unable to affirm the findings of the Executing Court, directing delivery of possession in respect of Cadaster Number 1853.

14. I find merit in the revision and accordingly, this Civil Revision Petition is allowed and the order of the Executing Court is set aside. However, it is made clear that the dismissal of this revision shall not come in the way of the respondent seeking necessary clarification before the Hon'ble Supreme Court, in the light of the fact that the correct Cadaster Number should have been 1853 and not Cadaster Number 2373, which has



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been gone into detail by the Executing Court, in and by the impugned docket order. Giving liberty to the revision petitioner to move the Hon'ble Supreme Court for necessary clarification or alternatively challenge this order, before the Hon'ble Supreme Court for getting necessary clarification, this revision is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

05.12.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

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To

The Principal District Munsiff, Puducherry.

P.B.BALAJI.J.,

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