



C.R.P.(MD)No.1791 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1791 of 2022

K.Nirmala

...Petitioner

Vs.

M.Chandra

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to call for the records and set aside the order and decreetal order dated 17.06.2022 in E.A.No.01 of 2021 in E.P.No. 37 of 2019 in O.S.No.137 of 2009, on the file of the Learned District Munsif Court, Aundipatti.

For Petitioners : Mr.A.Sivasubramanian

For Respondents : Mr.V.A.Dhana Aravinda Balaji
for M/s.Dhana Law Associates



WEB COPY



C.R.P.(MD)No.1791 of 2022

ORDER

This petition has been filed praying to set aside the order dated 17.06.2022 in E.A.No.01 of 2021 in E.P.No. 37 of 2019 in O.S.No.137 of 2009, on the file of the Learned District Munsif Court, Aundipatti.

2.Learned Counsel for the petitioner would submit that the petitioner filed a suit for injunction in O.S.No.137 of 2009 and the suit was decreed ex-parte on 20.02.2014. However, the petitioner filed the execution petition only on 28.08.2019. The respondent filed a petition in E.A.No.01 of 2021, under Section 47 of CPC, for dismissal of the Execution Petition as barred by limitation. The trial Court allowed the said petition, on the ground that the Execution Petition has not been filed within the period of limitation as per Article 135 of the Limitation Act. Challenging the same, the present Civil Revision Petition has been filed.

3.Learned Counsel for the petitioner would submit that admittedly, the petitioner filed a suit for injunction. However, injunction may be classified as mandatory injunction and prohibitory injunction. If it is so, the period of limitation is applicable as per Article 136 of the Limitation Act, whereas the



trial Court without considering the same, has erroneously dismissed the said application.

4.Learned Counsel for the respondent would submit that there is no confusion in the prayer sought by the petitioner. It is only a bare injunction. If it is a simple injunction, then the execution petition must be filed within a period of three years, as per Section 135 of the Limitation Act. But, the petitioner has filed E.P., after three years. Therefore, he prays that the order of the trial Court need not be interfered with.

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

6.Admittedly, the petitioner filed a suit for injunction in O.S.No.137 of 2009 and the suit was decreed ex-parte on 20.02.2014 and the petitioner filed the execution petition only on 28.08.2019. The respondent filed a petition in E.A.No.01 of 2021, under Section 47 of CPC, for dismissal of the Execution Petition as barred by limitation. The said E.A., came to be allowed by the trial Court. Though the petitioner claims that there are different kinds of injunction, what the petitioner sought for is just a bare injunction. The Court cannot



C.R.P.(MD)No.1791 of 2022

interpret the same in a different way, when an issue of limitation is involved.

Hence, the trial Court has rightly allowed the E.A. filed by the respondent, rejecting the E.P. filed by the petitioner. Hence, the said order need not be interfered with.

7. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs.

16.07.2025

Internet: Yes/No

Index: Yes/No

MR



WEB COPY



C.R.P.(MD)No.1791 of 2022

To

- 1.The District Munsif Court,
Aundipatti.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P.(MD)No.1791 of 2022

M.DHANDAPANI, J.

MR

C.R.P.(MD)No.1791 of 2022

16.07.2025