



C.R.P.(NPD)(MD).No.1939 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(NPD)(MD)No.1939 of 2025

and

C.M.P.(MD)No.11100 of 2025

K.Navaneethan

... Petitioner

Vs.

1.K.Rajamanickam

2.K.Natarajan

3.K.Revathy

4.K.Selvaraj

5.Seenivasan

6.The Junior Engineer,
Tamil Nadu Electricity Board,
Bodinayakanur Taluk,
Theni District.

... Respondents

PRAYER: Civil Revision Petition - filed under Section 115 of the Civil Procedure Code, to set aside the fair and executable order dated 16.06.2025, made in E.P.No.194 of 2024 in O.S.No.286 of 2012 on the file of the Sub Court, Bodinayakanur.

For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.G.Aravinthan

for M/s.Aran Legal Consultancy



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ORDER

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This Civil Revision Petition is filed challenging the order dated 16.06.2025 made in E.P.No.194 of 2024 in O.S.No.286 of 2012 on the file of the Sub Court, Bodinayakanur.

2.The petitioner is the first defendant in O.S.No.286 of 2012 filed by the respondents 1 to 4/plaintiffs for mandatory injunction and recovery of possession of the suit property. The said suit was decreed on 23.06.2022. The petitioner has preferred an appeal as against the said decree. Pending appeal, the plaintiffs filed an execution petition and the same was ordered in favour of the plaintiffs. Hence, the petitioner has filed the present Civil Revision Petition.

3.The learned counsel for the petitioner submits that as against the judgment and decree, the petitioner has preferred an appeal in A.S.No.66 of 2024 on the file of the Additional District Court, Theni and the same is pending. During the pendency of the appeal, delivery has been ordered by the execution Court and the same is not sustainable.



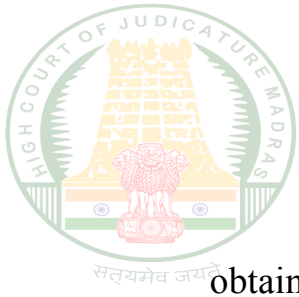
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4.The learned counsel appearing for the plaintiffs/respondents 1 to 4 submits that the petitioner has not obtained any restraint order as against the plaintiffs/respondents 1 to 4 in the said appeal. Therefore, the execution has rightly ordered for delivery of the subject property and the same need not be interfered.

5.Heard the rival submissions made on either side and perused the materials placed on record.

6.Admittedly, the suit filed by the plaintiffs as against the petitioner was decreed. Though the petitioner filed an appeal as against the said judgment and decree, he has not obtained any restraint order in his favour. Thereby, the execution Court has proceeded with the execution proceedings and ordered for delivery. Hence, the order of the trial Court cannot be faulted. Accordingly, this Civil Revision Petition is dismissed. However, the execution Court is directed to defer the execution proceedings for a period of two weeks from the date of receipt of a copy of this order. Within such time, the petitioner is directed to obtain an restrain order as against the respondents 1 to 4/plaintiffs in the pending appeal. In the event if such an order is not



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obtained by the petitioner within the said time, the trial Court shall proceed with the execution proceedings in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

01.08.2025

NCC : Yes/No
Internet : Yes / No
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To

- 1.The Sub Court, Bodinayakanur.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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