



C.R.P.(PD)(MD).No.2263 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.2263 of 2025

and

C.M.P.(MD)No.13579 of 2025

Anthonisamy

... Petitioner

Vs.

1.Siluvaimuthu

2.Vimala

... Respondents

PRAYER: Civil Revision Petition - filed under Section 115 of the Civil Procedure Code, to call for the records relating to the order and decreetal order dated 27.06.2025 in E.P.No.17 of 2018 in O.S.No.56 of 2002 on the file of the District Munsif Court, Thiruvaiyaru and set aside the same and allow this Civil Revision Petition.

For Petitioner : Mr.A.Sivasubramanian

For Rrespondents : Mr.R.Nandakumar

ORDER

This Civil Revision Petition is filed as against the order dated 27.06.2025 in E.P.No.17 of 2018 in O.S.No.56 of 2002 on the file the District Munsif Court, Thiruvaiyaru.



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2.The petitioner herein is the defendant in O.S.No.56 of 2002 filed by the respondents herein for declaration to declare that the plaintiffs have easmentry right of way in the suit 'A' schedule property for reaching their 'B' Schedule property and for permanent injunction restraining the defendant and his men from interfering with the plaintiff's peaceful enjoyment of right of way over the suit 'A' Schedule property. The said suit was decreed. The appeal that was filed challenging the said decree and judgment, was also dismissed confirming the decree granted by the trial Court. Contrary to the said decree and judgment, the petitioner prevented the respondents/plaintiffs for enjoying the subject property, hence, the plaintiffs filed execution petition and obtained an order of arrest as against the petitioner in E.P.No.17 of 2018. Challenging the same, the present Civil Revision Petition is filed.

3.During the earlier hearing, the learned counsel for the petitioner undertook to file an affidavit as if he will not interfere with the suit schedule property.



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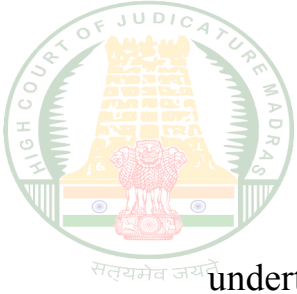
4.Today, when the matter is taken up for hearing, the learned counsel for the petitioner filed an undertaking affidavit stating as follows:

“1.I state that I am the petitioner herein and respondent in the execution petition and as such I am well acquainted with the facts of the case.

2.I submit that the petitioner have filed the main civil revision petition against the order and decretal order dated 27.06.2025 in E.P.No.17 of 2018 in O.S.No.56 of 2002 on the file of the District Munsif Court, Thiruvaiyaru wherein an order of arrest has been issued against me for disobeying the judgment and decree of the trial Court.

3.I submit I have utmost respect to the Hon'ble Courts and I had never disobeyed the orders of the Hon'ble Court. I further submit that I hereby undertake that I will not interfere with the respondent's peaceful enjoyment of the right of way over the suit schedule property as per the judgment and decree of the Learned Trial Court.”

5.Recording the above said undertaking, this Civil Revision Petition is closed and the order of arrest passed by the execution Court in E.P.No.17 of 2018 is hereby set aside. In the event if the petitioner fails to honour the



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undertaking given by him, the respondents are at liberty to take necessary action as against the petitioner by implementing the E.P. order and other remedy in the manner know to law. No costs. Consequently, connected miscellaneous petition is closed.

26.08.2025

NCC : Yes/No
Internet : Yes / No
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To

- 1.The District Munsif Court, Thiruvaiyar.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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