



C.R.P(MD)No.2856 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.10.2025**

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.R.P(MD)No.2856 of 2025
and
C.M.P(MD)No.16476 of 2025

1.Chinna Karuppan
2.Rajendran

... Petitioners/Petitioners

Vs.

P.Jeyalakshmi

... Respondent/Respondent

PRAYER: Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the decree and judgment passed in E.P.No.8 of 2025 in O.S.No.252 of 2014 dated 08.09.2025 on the file of the learned District Munsif, Melur, Madurai District and allow this Civil Revision Petition.

For Petitioners : Mr.K.P.Thiyagarajan

For Respondent : Mr.J.Gunaseelan Muthiah

ORDER

The instant Civil Revision Petition has been filed to set aside the decree and judgment passed in E.P.No.8 of 2025 in O.S.No.252 of 2014



C.R.P(MD)No.2856 of 2025

dated 08.09.2025 on the file of the learned District Munsif, Melur,
Madurai District.

2. The learned counsel for the petitioners submits that the respondent herein had instituted a suit for recovery of possession, which was decreed by judgment and decree dated 21.09.2024. Against which, the petitioners preferred an appeal in A.S.No.32 of 2024. Pending the appeal suit, the respondent had filed an execution petition in E.P.No.8 of 2025 seeking delivery of possession. He submits that the Court below had passed an order beyond the prayer by ordering police protection. He further submits that the when the appeal suit is pending, the Court below ought not to have ordered delivery of possession. Hence, being aggrieved against the order of delivery of possession, the petitioners have filed this revision.

3. The learned counsel for the respondent submits that even though the petitioners have filed an appeal, no order of stay of the judgment and decree. He further submits that there is no error in the order of the Court in granting police protection as it only enable the execution Court to



C.R.P(MD)No.2856 of 2025

secure the vacant possession of the property as per the judgment and decree. Therefore, he submits that there is no error in the order passed by the Court below. Hence, he prays this Court to dismiss the Civil Revision Petition.

4. I have considered the submissions made by the learned counsel on either side and perused the materials available on record.

5. Even though the appeal suit has been filed in A.S.No.32 of 2024, no stay of the judgment and decree has been granted as rightly pointed out by the learned counsel for the respondent, the prayer sought for in the execution petition is only for delivery of possession. Now, the Court below had ordered police protection which is beyond the prayer sought for in the execution petition. Further, there is also no allegation that the petitioner has restrained the execution of the decree which requires police protection.

6. For the aforesaid reasons, this Court is of the view that the direction of granting police protection without any obstruction to the execution of the decree is un-sustainable.



C.R.P(MD)No.2856 of 2025

WEB COPY

7. Accordingly, this Civil Revision Petition stands partly allowed by setting aside the direction granted for police protection alone. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

13.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sn

To

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



WEB COPY



C.R.P(MD)No.2856 of 2025

K.KUMARESH BABU,J.

SN

C.R.P(MD)No.2856 of 2025

13.10.2025