



CRP(MD). No.3837 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 18.12.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3837 of 2025
and
C.M.P.(MD) No.20219 of 2025**

P.Davi

... Petitioner

Vs

Vincent (Died)

1. Glory

2. Vincy Monisha

3. Vins Mon

4. Vibin

5. Nelson

6. Seelan

... Respondents

PRAYER :- Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records pertaining to the unnumbered E.A.SR.No.4205 of 2025 in E.P.No.32 of 2022 in O.S.No. 248 of 2017 on the file of Subordinate Court, Padmanabhapuram, Kanyakumari District and further, direct the subordinate Court, Padmanabhapuram, to number the obstruction petition filed by the petitioner in unnumbered E.A.SR.No.4205 of 2025 in E.P.No.32 of 2022 in O.S.No.248 of 2017 and dispose of the same on merits within a

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reasonable time as may be specified by this Court.

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For Petitioner : Mr. K.Ragatheesh Kumar
for M/s.Isaac Chambers

ORDER

This Civil Revision Petition is filed to direct the Subordinate Court, Padmanabhapuram, Kanyakumari District to number the unnumbered E.A.SR.No.4205 of 2025 in E.P.No.32 of 2022 in O.S.No. 248 of 2017 and dispose of the same.

2. The revision petitioner, who is the third party, has filed an obstruction petition claiming right over the pathway. The suit was decreed on 14.09.2018 and further, a portion of the property was gifted by the plaintiff to use the same as a pathway on 07.01.2020. When Execution Petition was filed, where the revision petitioner, who is the obstructor, claims that the plaintiff has no right as there is a pathway in which the revision petitioner has the right to use the pathway, without taking note of the gift deed made by the plaintiff to use the pathway, the Execution Court is proceeding further by appointing an Advocate Commissioner and a revision petitioner has filed E.A before the Execution Court contending that he has a right.



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3. Appointment of Advocate Commissioner is only to enforce the decree and the scope of the Advocate Commissioner is only to ascertain the metes and bounds as per the schedule made in the plaint. The revision petitioner, who is the third party, has no right to disrupt the judgment and decree passed by the Court. According to the revision petitioner, he is the obstructor, his claim is that he has the right over the property to use the same, as a portion of the property in dispute was gifted by the plaintiff to the panchayat and such gift was on 07.01.2020, after the pronouncement of the judgment and decree dated 14.09.2018. Hence, this Court is of the view that if the petitioner is having a right, the same shall be agitated in the manner known to law.

4. With these observations, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes/No
Index : Yes / No
Internet :Yes / No
apd

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N.SENTHILKUMAR, J

apd

To
The Subordinate Judge,
Padmanabhapuram,
Kanyakumari District.

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