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C.R..P.(MD).No.2149 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(MD)No.2149 of 2025

Murugesan

... Petitioner(s)

Vs.

Vadamalai

... Respondent(s)

PRAYER: Civil Revision Petition - filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 06.08.2024 made in E.P.No.8 of 2023 in O.S.No.298 of 2012 on the file of the Principal District Munsif Court, Vedasandur and allow this Civil Revision Petition.

For Petitioner : Mr.G.Gomathisankar

ORDER

This Civil Revision Petition is filed for a direction to set aside the fair and decreetal order dated 06.08.2024 made in E.P.No.8 of 2023 in O.S.No. 298 of 2012 on the file of the Principal District Munsif Court, Vedasandur and to allow this Civil Revision Petition.



C.R..P.(MD).No.2149 of 2025

WEB COPY

2. The petitioner is the decree-holder in O.S.No.298 of 2012, a suit filed for declaration and permanent injunction, which was decreed in his favour and subsequently, confirmed by the lower appellate Court in A.S.No. 15 of 2019. Despite the decree, the respondent trespassed into the petitioner's property on 18.12.2020, causing disturbance and interference with the petitioner's possession. Thereafter, the petitioner lodged a complaint with the law enforcement authorities. Subsequently, the petitioner also filed a contempt petition also filed in E.P.No.8 of 2023 under Order XXI Rule 11 of the Code of Civil Procedure, seeking the arrest of the respondent/judgment-debtor and his detention in civil prison. However, the said interlocutory application was dismissed by the trial Court. Challenging the same, the present civil revision petition has been filed by the petitioner.

3.The learned counsel for the petitioner would submit that it is an admitted fact that the petitioner is the decree-holder in O.S.No.298 of 2012. Despite the decree being in his favour, the respondent, without any authority, trespassed into the suit property, prompting the petitioner to lodge a complaint with the law enforcement agency. Apart from the complaint, the



C.R..P.(MD).No.2149 of 2025

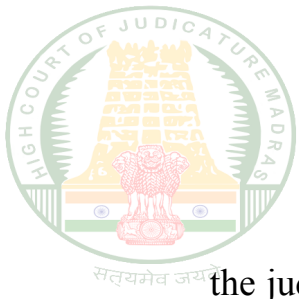
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petitioner also filed an interlocutory application filed under Order XXI Rule 11 of the Code of Civil Procedure. However, the trial Court concluded that there was no proof to establish the alleged act of trespass committed by the respondent and accordingly, dismissed the interlocutory application, which, according to the learned counsel for the petitioner, is not sustainable. Accordingly, he prays before this Court to allow the civil revision petition.

4. Since no adverse orders are going to be passed against the respondent, notice to the respondent is dispensed with.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. This Court has perused the order passed by the trial Court. On a perusal of the same, it is evident that the petitioner is the plaintiff in O.S.No. 298 of 2012 and the decree granted therein was confirmed by the lower appellate court. The grievance of the petitioner is that the respondent allegedly interfered with his possession of the suit property, prompting him to lodge a complaint with the law enforcement agency. However, on perusal of



C.R..P.(MD).No.2149 of 2025

WEB COPY

the judgment and decree, it is clear that only relief of declaration was granted in favour of the petitioner in O.S.No.298 of 2012, while the relief of mandatory injunction was specifically rejected by the trial Court. No appeal was preferred by the petitioner as against the rejection of the relief of mandatory injunction. Further, it is also brought to the notice of this Court that the petitioner's neighbour, one Alagirisamy, filed a suit in O.S.No.150 of 2023, which is currently pending before the trial Court, seeking an equal share of the suit property. Moreover, the petitioner has failed to establish any concrete proof of interference by the respondent in respect of the suit property. In the absence of such proof, the trial Court rightly came to the conclusion that the petition was liable to be dismissed. This Court finds no reason to interfere with the said order. Accordingly, this civil revision petition is dismissed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law, if there is any future violation of the decree by the respondent. No costs.

07.08.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
PKN

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C.R..P.(MD).No.2149 of 2025

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



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C.R..P.(MD).No.2149 of 2025

M.DHANDAPANI,J.

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C.R.P.(MD)No.2149 of 2025

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