



THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment reserved on : 16.02.2026

Judgment pronounced on : 27.02.2026

CORAM

THE HON'BLE MR. JUSTICE P.B.BALAJI

Rev.Appl.No.56 of 2026

1.M.Usharani
2.V.Mohan

.. Applicants

Vs.

K.Balan (Deceased)
1.B.Nagarathinam
2.B.Loganathan
3.M.Latha
4.M.Meena
5.B.Selva Kumar
6.B.Karthikeyan

.. Respondents

Prayer: Civil Revision Petition filed under Order XLVII Rule 1 of CPC r/w Section 114 of CPC, to review the order dated 14.11.2025 passed by this Court in CRP.No.2716 of 2023.

For Petitioners : Mr.L.Dhamodharan



ORDER

The petitioners in CRP.No.2716 of 2023 have come up with the present review application.

2.I have heard Mr.L.Dhamodharan, learned counsel for the review applicants.

3.Mr.L.Dhamodharan, learned counsel appearing for the review applicants would primarily contend that the suit was one for bare injunction and there was no decree for removal of encroachment or for recovery of possession and therefore, the executing Court did not have jurisdiction to pass an order, directing removal of the alleged encroachment. He would therefore state that the order passed in the revision petition, confirming the order of the executing Court, has to be necessarily reviewed. He would further state that the executing Court cannot assume jurisdiction and go beyond the decree passed in the suit to direct removal of any alleged encroachments and order restoration of possession, in the absence of any clause to such effect in the decree. The learned counsel for the review applicants has relied on the decision of the Hon'ble Supreme Court in *V.Ramasamy Iyengar and others Vs. T.N.B.Kailasa Thevar*, reported in (1970) 1 SCC 670, where the Hon'ble Supreme Court has held that the executing Court cannot go beyond the decree and travel beyond the terms of the decree. The learned



counsel for the review applicant would therefore pray for the review application being allowed.

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4.I have carefully considered the submissions advanced by the learned counsel for the review applicants.

5.The revision petitioners are the judgment debtors in E.P.No.1612 of 2009. The petitioners contended in the revision petition that the plaintiff came to Court, claiming right over an extent of 3454 sq.ft of land, however, the trial Court found the plaintiff to be entitled only to 2968 sq.ft of land. This Court in Second Appeal affirmed the decree of the trial Court, restricting the entitlement of the plaintiff to only 2968 sq.ft. It was contended that despite the disposal of the Second Appeal, confirming the entitlement of the decree holder to 2968 sq.ft, the decree holder was attempting to include the remaining portion in respect of which the decree was not granted.

6.After considering the submissions of the learned counsel for the revision petitioners, I found that even in respect of the entitlement of the decree holder to 2968 sq.ft, the judgment debtors had trespassed into the said extent and pendency of another S.A.No.130 of 2011 was also brought to my notice and it was not as if I did not deal with the same. I had categorically found that the said Second Appeal will not have any



bearing on the execution petition, which is only in respect of 2968 sq.ft of land, 101 which a decree has been affirmed up to this Court in Second Appeal.

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7.In fact, I have even protected the interest of the revision petitioners by directing the executing Court to appoint an Advocate Commissioner at the cost of the revision petitioners to demarcate the said extent of 2968 sq.ft and further directed the execution petition to be disposed of within a period of one month. In the light of the above, I do not find any grounds arising for reviewing my order dated 14.11.2025 in CRP.No.2716 of 2023. The very same contentions have been raised and rejected in the revision itself.

8.In fact, the parties have even let in evidence in the execution proceedings and the executing Court has rightly come to the conclusion that even in respect of the decree holder's entitlement of 2968 sq.ft, there is an encroachment and therefore, the executing Court has rightly ordered the execution petition. At the same time, as a measure of protection to the petitioners, additionally, I have also directed the executing Court to ensure that there is no excessive execution, by appointing an Advocate Commissioner to demarcate the said extent of 2968 sq.ft. Therefore, the petitioners cannot be aggrieved in any manner. In fact, I am also informed fairly by the learned counsel for the revision petitioner that my order was challenged before the Hon'ble Supreme Court and the SLP was also dismissed. On an overall consideration of all the above, I do not find any merit



in the review application and no grounds warranting review under Order XLVI, Rule 1 of CPC made out.

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9.In fine, the Review Application is dismissed. No costs.

27.02.2026

Neutral Citation Case : Yes / No
Speaking / Non-speaking order
Index : Yes/No
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To

The X Assistant Civil Civil Court, Chennai.



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P.B.BALAJI.J,

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Pre-delivery order made in
Rev.Appl.No.56 of 2026

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