



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 2973 of 2026

WEB COPY

Sachidhanandham
S/o.Sivachidambaram,
D.NO.2/118, Main Road,
Vikkiramangalam Village,
Ambabur Madura 621701
Udayarpalayam Tk,
Ariyalur Dist.

..Petitioner(s)

Vs

Murugesan
S/o.Krishnasamy,
D.No.2/116, Main Road,
Vikkiramangalam Village,
Ambabur Madura 621 701
Udayarpalayam Tk,
Ariyalur Dist.

..Respondent(s)

PRAYER

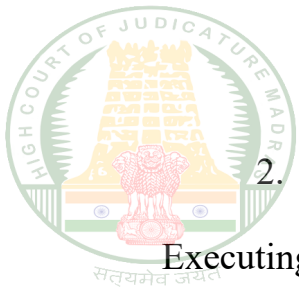
Civil Revision Petition filed under Sec.115 of C.P.C., praying to set aside the fair and decreetal order passed in EP.No. 24/2024 in OS.No. 234/2010 on the file of the Additional District Munsif, Jayamkondam dated 7.3.2026.

For Petitioner(s):

Mr.S.Kamadevan

ORDER

Challenging the impugned order passed in E.P.No.24 of 2024 in O.S.No.234 of 2010 by the learned Additional District Munsif, Jayamkondam, the Revision Petitioner/Decree Holder preferred this Civil Revision Petition.



2. Since the relief is claimed challenging the order passed by the Executing Court, notice to the respondent is dispensed with.

3. After obtaining the decree before the trial court, the respondent/defendant disputed the pathway, which is the subject in issue. Therefore, the Revision Petitioner/Decree Holder initiated execution proceedings in E.P.No. 24 of 2024, but the Executing Court erroneously dismissed the petition holding that there was no sufficient proof produced on the side of Revision Petitioner to prove the disobedience caused by the respondent/defendant. Aggrieved over that, he preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioner would submit that the learned judge failed to see that there is no dispute with reference to the identity of the suit property and simply because the old SF number is mentioned in the suit and the decree passed thereon, the rights of the decree holder should not be frustrated and he is entitled to enforce and enjoy the fruits of the decree. Hence, he prayed to set aside the findings of Executing Court.

5. On perusal of records, the fact reveals that the Revision Petitioner is aged about 78 years. Considering that and also considering the fact that since the identity of the property is not under dispute, this Court is inclined to set aside the order passed in E.P.No.24 of 2024 in O.S.No.234 of 2010 by the Additional District Munsif, Jayamkonam and to remand back the matter to the Executing Court. The Revision Petitioner/Decree Holder is permitted to proceed



with the amendment seeking to amend new survey number and opportunity is to be given to the respondent/judgment debtor to file his additional written statement in respect of amendment. Thereafter, the Executing Court is directed to proceed with the E.P. as per manner known to law. No costs.

01-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RPP

To

The Additional District Munsif, Jayamkondam.



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T.V.THAMILSELVI J.

RPP

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