



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 11.02.2026

Pronounced on: 27.02.2026

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. No.4202 of 2025
and CMP. Nos.21575 & 28343 of 2025**

Rajappan

Petitioner(s)

Vs

Muthammal (died)

- 1.Parvathi
- 2.Rajammal
- 3.Alamelu
- 4.Venkatachalam
- 5.Thangaraju
- 6.Madhammal
- 7.The President,
Pukkampatti Panchayat,
Pukkampatti Village,
Mettur Taluk, Salem District.
- 8.The District Collector,
Salem, Collectorate, Salem.
- 9.The Tahsildar, Mettur,
Mettur Taluk, Mettur,
Salem District.

Respondent(s)

PRAYER: This Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the fair and decreetal order dated 17.07.2025 made in E.P. No.31 of 2023 in O.S. No.220 of 2000 on the file of the learned District Munsif Court, Mettur.



For Petitioner : Mr.C.Deepakkumar
For Respondents : Mr.V.Sekar for R1
Mr.J.Danial,
Government Advocate for R7
Mr.N.Muthuvel,
Government Advocate for R8 and R9
No Appearance for R2, R4 to R6.
Not Ready in Notice -R3

ORDER

With the consent of the learned counsel for the parties, the revision itself is taken up, even though an application for vacating the interim stay has been filed by the first respondent.

2. I have heard Mr.C.Deepakkumar, learned counsel for the petitioner and Mr.V.Sekar, learned counsel for the first respondent and Mr.J.Daniel, learned Government Advocate for the 7th respondent and Mr.N.Muthuvel, learned Government Advocate for the respondents 8 and 9.

3. Mr.C.Deepakkumar, learned counsel for the petitioner would state that the revision petitioner is the third defendant in O.S. No.220 of 2000 and judgment debtor in E.P. No.31 of 2023 before the District Munsif Court, Mettur. The learned counsel for the petitioner would state that the suit was decreed on 09.06.2004 and a mandatory injunction was granted for removal of offending



construction put up in the suit property. However, the learned counsel would fairly state that the First Appeal as well as the Second Appeal preferred by the defendants were dismissed, but in the Execution Petition in E.P. No.31 of 2023, the petitioner had filed his objections and without considering any of the valid objections raised by the petitioner, the Executing Court has proceeded to allow the Execution Petition and thereby directed demolition of the petitioner's construction. The learned counsel for the petitioner would further state that as against judgment passed by this Court in Second Appeal, the petitioner has also filed SLP on 18.11.2025 and the same is likely to be brought up at any time. The learned counsel for the petitioner would therefore pray for the revision being allowed.

4. Per contra, Mr.V.Sekar, learned counsel for the contesting first respondent/decree holder would contend that the suit was decreed way back in June 2004 and the First Appeal in A.S. No.83 of 2004 was also dismissed, confirming the decree passed by the Trial Court on 21.12.2005 and this Court in Second Appeal in S.A. No.446 of 2006 as well, confirmed the findings of the Trial Court and the Appellate Court, by dismissing the Second Appeal on 27.03.2019. Mr.V.Sekar, learned counsel would further state that the only contention raised as objection in the EP was that the Execution Proceedings has been filed beyond the period of 12 years. He would however point out that the



decree attained finality only with the dismissal of the Second Appeal on 27.03.2019 and therefore, the Execution Petition was very much in time and rightly, the Executing Court has rejected the said objections. He would therefore state that there is absolutely no merit and only in order to protract the proceedings and in order to deny the fruits of the decree for the first respondent, the revision has been filed.

5. I have carefully considered the submissions of the learned counsel for the petitioner and the learned counsel for the first respondent.

6. Considering the fact that the matter has attained finality before this Court on 27.03.2019, there is absolutely no substance or merit in the contention that the Execution Petition is filed beyond the period of 12 years. Apart from the said objection, I do not find any other tenable or valid objection raised by the petitioner in defence to the execution of the decree. No doubt, the petitioner has preferred a Special Leave Petition before the Hon'ble Supreme Court. However, despite the judgment of this Court being delivered on 27.03.2019, the petitioner has approached the Hon'ble Supreme Court belatedly and probably, only after suffering the order in the Execution Petition. Absolutely, there is no bonafides on the part of the petitioner. Be that as it may, I informed the learned counsel for the petitioner that as arguments have already been advanced, I



would be reserving orders and passing orders on 27.02.2026 and in the meantime, if the petitioner is able to get any interim orders from the Hon'ble Apex Court, it may be brought to my notice. Even today, the petitioner is not able to produce any interim stay granted by the Hon'ble Supreme Court.

7. In the light of the above, I do not see any merit in the revision and consequently, this Civil Revision Petition is dismissed. The Executing Court shall ensure that the decree is satisfied and the Execution Petition is disposed of within a period of eight (8) weeks from the date of receipt of the copy of the order. Consequently, connected Miscellaneous Petitions are closed. No costs.

27.02.2026

rkp

Neutral Citation Case : Yes/No

Internet: Yes/No

Index : Yes/No

To:

1. The District Munsif, Mettur.

2. The President,
Pukkampatti Panchayat,
Pukkampatti Village,
Mettur Taluk, Salem District.

3. The District Collector,
Salem, Collectorate, Salem.

4. The Tahsildar, Mettur,
Mettur Taluk, Mettur,
Salem District.



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P.B.BALAJI, J.,

rkp

Pre-delivery order in
CRP. No.4202 of 2025
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