WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP.No.4537 of 2023

CNR:{HCMA012074652023}

Case QR

and
CMP.No.27154 of 2023

T.Pandurangan

..Petitioner(s)

Vs

Sri Kannabiran Temple
Represented by its Hereditary Trustee,
M.Jayaraman, No.25, Chinnakuzhanthai Street,
Maduma Nagar, Sembium,
Chennai – 600 011.

..Respondent(s)

PRAYER: This Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the order passed by the IX Assistant Judge, City Civil Court, Chennai in E.A.SR.No.87609 of 2023 in E.P.No.4011 of 2019 in O.S.No.1513 of 2001.

For Petitioner : Mr.A.D.Janarthanan

ORDER

The Civil Revision Petition is filed challenging the order passed by the Executing Court in E.A.SR.No.87609 of 2023 in E.P.No.4011 of 2019 in

https://www.mhc.tn.gov.in/judis

WEB COPY

O.S.No.1513 of 2001, dated 11.10.2023 rejecting the application filed by the petitioner seeking re-delivery of portion of suit property in respect of 120 sq.ft., of land owned by the petitioner in Survey No.18.

2. The respondent herein filed a suit seeking recovery of possession of Suit B Schedule Property described as 120 sq.ft., of land situated in Old Survey No.16, New Survey No.17 of Sembium Village and the same was decreed by the Trial Court. The said decree was put into execution in E.P.No.4011 of 2019. The respondent had taken possession of the said property through Court. Thereafter, the petitioner filed the instant application seeking repossession on the ground that the respondent has taken possession of the property situated in New Survey No.18 instead of the property situated in New Survey No.17.

3. It is the case of the petitioner that he had been in possession and enjoyment of the property situated in Old Survey No.15 and New Survey No.18. However, on the strength of the decree in respect of Old Survey No.16 and New Survey No.17, the respondent dispossessed him in respect of the different property.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. It is seen from the typed-set of papers that the dispute with regard to the identity of the property was raised by the petitioner in the first appeal filed by him challenging the decree passed in main suit and the said first appeal in A.S.No.291 of 2010 was dismissed. The judgment and decree passed in the first appeal was subsequently confirmed by this Court in second appeal. Thereafter, the petitioner filed an application in E.A.SR.No.50690 of 2022 raising the very same point and the said application was rejected. Aggrieved by the same, the petitioner filed a revision before this Court in C.R.P.No.3882 of 2022 and the said revision was dismissed and the order passed by the Executing Court was confirmed by this Court. Thereafter, the petitioner filed yet another application in E.A.SR.No.15886 of 2023 seeking appointment of Taluk Surveyor to accompany the Bailiff to identify the suit B schedule property in respect of which the decree for delivery of possession was passed in favour of the respondent. In the said application also, the petitioner raised the very same point as if, he is in possession of different property. The said application was also rejected by the Executing Court by an order dated 03.03.2023.

5. Aggrieved by the same, the petitioner preferred a revision before this Court in C.R.P.No.1587 of 2027 and the same was also dismissed. Therefore, it is clear that the petitioner raised the very same point in more than one occasion in the first appeal and in two different execution applications. All those

https://www.mhc.tn.gov.in/judis

WEB COPY

applications were dismissed and the orders passed therein were also confirmed by this Court in the second appeal as well as civil revision petitions.

6. In such circumstances, the petitioner is not entitled to reagitate the very same issue again and again. The Executing Court after considering all the previous orders by it and also the order passed by this Court in civil revision petitions rightly came to the conclusion that the petitioner was reagitating the issue which had been already decided and rejected the application. I do not find any error in the said order.

7. Accordingly, this Civil Revision Petition is dismissed. It is made clear that the dismissal of the civil revision petition will not affect the right of the petitioner to file a separate suit seeking declaration of his title in respect of property situated in Old Survey No.15 and New Survey No.18 and for other consequential relief, if so advised. No costs. Consequently, the connected Miscellaneous Petition is closed.

03-11-2026

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

dm

https://www.mhc.tn.gov.in/judis

WEB COPY

To

The IX Assistant Judge, City Civil Court,
Chennai.

https://www.mhc.tn.gov.in/judis

WEB COPY

S.SOUNTHAR J.

dm

CRPNo.4537 of 2023
and
CMP.No.27154 of 2023

03-11-2026

https://www.mhc.tn.gov.in/judis