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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 6998 of 2026

CNR: {HCMA012406232026}

Case QR

Renuka,, w/o Thirusangu,
No. 153, Subramaniyar Koil Street,
Chinnakaraikadu, Copper Quarry Post,
Cuddalore Taluk And District,
Cuddalore – 5.

..Petitioner(s)

Vs

1. Sankar, Subramaniyar Koil Street,
   Chinnakaraikadu Village,
   Copper Quarry Post,
   Cuddalore-5Cuddalore
2. Ramaswamy, Fisher Street,
   Sonangchavadi, Semmangkuppam,
   Cuddalore.

..Respondent(s)

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside order dated 17.10.2025 in E.A.No. 16/2025 in O.S.No.78/2023 on the file of Principal District Munsif, Cuddalore.

For Petitioner(s): Mr. S.Hemamalini

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ORDER

This Civil Revision Petition has been filed challenging the order passed by the Executing Court, Dismissing the execution petition filed by the petitioner seeking arrest of the 1st respondent/judgment debtor.

2. The petitioner herein obtained a decree, declaring that the suit B schedule Property was a public pathway and granting consequential injunction restraining the 1st respondent herein from interfering with the right of the petitioner to use the same as pathway in O.S.No.78 of 2023 on the file of Principal District Munsif, Cudalore.

3. Alleging that the first respondent violated the said decree and he put up construction in the B schedule property subsequent to the decree, the petitioner filed an execution application in E.A.No.16 of 2025 seeking removal of the said construction and the arrest of the 1st respondent/judgment debtor. The said application was dismissed by the Executing Court. Aggrieved by the same, the petitioner has come before this court.

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Order QR

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4. The learned counsel for the petitioner would submit that in order to prove the construction put up by the 1st respondent subsequent to the decree, the petitioner examined herself before the Executing Court and also filed photographs. According to him, the Executing Court, without taking into consideration the evidence available on record, erroneously came to the conclusion that the petitioner failed to examine any independent witness to substantiate her contentions that the construction was put up subsequent to the decree.

5. From the photographs filed by the petitioner in support of her contentions, we cannot come to the conclusion that the alleged construction was made by the first respondent, subsequent to the decree. Except the interested testimony of the petitioner, there is no other evidence available on record to suggest that the 1st respondent had put up construction in a portion of the B schedule property, subsequent to the decree. The petitioner can prove her contentions by examining independent witness, like neighbours. However, for the reasons best known to her, she has not chosen to examine any independent witness or lead any other acceptable evidence regarding the alleged construction put up by the 1st respondent, subsequent to the decree. The Executing Court rightly came to the conclusion that the petitioner failed to prove that the alleged construction had taken place subsequent to the decree and dismissed the

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execution application. I do not find any error in the impugned order passed by the Executing Court.

6. Accordingly, this civil revision petition is dismissed. There shall be no order as to costs.

10-11-2026

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

MST

To

The Principal District Munsif,
Cuddalore.

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S.SOUNTHAR, J.

MST

CRP No. 6998 of 2026

10-11-2026

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