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C.R.P.No.6235 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**C.R.P.No.6235 of 2025
and
CMP.No.30799 of 2025**

Karuppusamy (Died)

Marappan @ Palanisamy (Died)

Palaniyammal

... Petitioners

Vs.

1. Marimuthu

2. Ramathal

... Respondents

Prayer:- Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 24.10.2025 made in E.A.No.53 of 2025 in E.P.No.34 of 2019 on the file of the Principal District Munsif, Tiruppur.

For Petitioner : Mr.Sanjay N Gandhi

For Respondents : Ms.C.P.Nivedha
for Mr.Hari Prashanth



C.R.P.No.6235 of 2025

WEB COPY

ORDER

The judgment debtor challenges the order permitting amendment of the description of the decreetal property in the Execution Petition.

2.Heard the learned counsel appearing for both sides and perused the materials available on record.

3.The learned counsel for the petitioner would submit that the petitioner had earlier approached the Second Appellate Court, viz., this Court, seeking modification of the description of the property from Survey No.835 to Survey No.845. According to the learned counsel, as borne out by the records, even at the time when such modification was sought in the year 2018, Survey No.845 had already been sub-divided and assigned.

4.The learned counsel for the petitioner would further invite the attention of this Court to the application filed in E.A.No.1196 of 2023, wherein the respondents/decreet holders sought amendment of the old Survey Number as S.F.No.442/17. Upon a counter-affidavit having been

2/7



C.R.P.No.6235 of 2025

filed objecting to such amendment, the respondents/decreed holders withdrew the said application. He would therefore contend that the respondents are conscious of the fact that the property described in the Execution Petition as Survey No.845 is different from the subdivided Survey Nos.845/12 and 845/13. On the said grounds, he prays for allowing the Civil Revision Petition by setting aside the order of the Executing Court permitting amendment.

5.Per contra, the learned counsel for the respondents/decreed holders would submit that even in the Commissioner's Report, the learned Advocate Commissioner has found that the revision petitioners are in possession of Survey Nos.845/12 and 845/13, after comparing the registered sale deeds and other documents. The learned counsel would further submit that there is sufficient discussion in the judgment of this Court in the Second Appeal with regard to the survey numbers, as well as the report filed by the Advocate Commissioner, wherein it is stated that the present survey number is Survey No.845. The learned counsel would further contend that no prejudice would be caused to the petitioner by permitting the amendment, as it merely specifies the sub-division of the parent Survey No.845, particularly in light of the reports of the Advocate



C.R.P.No.6235 of 2025

Commissioner and the Bailiff, which clearly identify the property in the possession of the petitioners. Hence, he prays for dismissal of the Civil Revision Petition.

6.This Court has carefully considered the submissions advanced on either side.

7.In the judgment rendered in S.A.No.813 of 1998 dated 13.12.2018, this Court has recorded a finding that though the original survey number was S.No.442, the present survey number is S.No.845. Pursuant thereto, amendment was permitted to incorporate Survey No.845 in the decree. It is based on the said amended decree that the Execution Petition has been filed.

8.It is true that the respondents had earlier attempted to amend the decreetal survey number as S.No.442/17 instead of S.No.442 in the year 2023. The said application came to be withdrawn in view of the objections raised by the petitioner through a detailed counter-affidavit. However, this Court does not find that such withdrawal would preclude the respondents from seeking amendment to include the sub-division of

4/7



C.R.P.No.6235 of 2025

Survey No.845, in order to give better clarity to the identity of the property sought to be recovered from the petitioner.

9.The specific contention of the petitioner is that Survey No.845/12, which is now sought to be included as the decreetal property, is Government poramboke land and that the respondents cannot claim any right over the same. However, at this stage, while considering the application for amendment, this Court is not inclined to go into such disputed questions of fact. The respondents have only sought amendment of the decreetal property to incorporate the present sub-division No.12 of the parent Survey No.845.

10.This Court does not find that any prejudice would be caused to the petitioner by merely permitting such amendment. However, it is made clear that it shall be open to the petitioner to file a counter-affidavit or an additional counter-affidavit, if a counter has already been filed, in E.P.No.34 of 2019, raising all objections with regard to the executability of the decree. The Executing Court shall consider the said objections on merits and in accordance with law, after affording due opportunity of hearing to both parties.



C.R.P.No.6235 of 2025

WEB COPY

11.In view of the above, the impugned order passed in E.A.No.53 of 2025 in E.P.No.34 of 2019, permitting amendment, is confirmed. Accordingly, the Civil Revision Petition is dismissed, with liberty to the revision petitioner to file a counter-affidavit/additional counter-affidavit raising all objections relating to the executability of the decreetal property as amended. The Executing Court is directed to enquire into the matter and dispose of the Execution Petition on merits and in accordance with law, on or before **30.04.2026**. Consequently, the connected Miscellaneous Petition is closed. No costs.

20.01.2026

Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non-Speaking Order
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To

The Principal District Munsif, Tiruppur.



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C.R.P.No.6235 of 2025

P.B.BALAJI, J.

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C.R.P.No.6235 of 2025

20.01.2026