



WEB COPY

CRP No. 332 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CRP No. 332 of 2026

and

CMP No. 1791 of 2026

Narayanaswamy (died)
S/o.Kistappa Naidu

1. Raja
S/o. Narayanaswamy Naidu

2. K.Ramadas
S/o.Kishtappa Naidu

3.Meenakshi
W/o.Narayanasamy

4.Arun
S/o.Narayanasamy

Petitioners 1 to 4 are residing at
No.48, (Old No.10), South Mada Street
Maduravoyal, Chennai 600 095

5.Sivagami
D/o.Narayanaswamy

6.Thangam
D/o.Narayanaswamy

7.Lilly
D/o.Narayanaswamy

Petitioners 5 to 8 are residing at
No.48 (Old No.10), South Mada Street
Maduravoya, Chennai 600 095

Vs

Kanagaraj
S/o. Koilpitchai,



No.48A, South Mada Street,
Maduravoyal, Maduravoyal Taluk,
Thiruvallur District, Chennai – 600 095.

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..Respondent(s)

Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 08.12.2025 passed in E.P No. 109 of 2021 in O.S No. 56 of 2017 on the file of III Additional District and Sessions Court, Thiruvallur at Poonamallee.

For Petitioner(s): Mr.J.Pothiraj

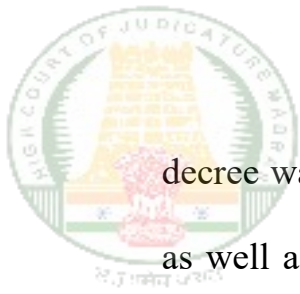
For Respondent(s): Mr.T.N.Rajagobalan
for Mr.A.Saravanan

ORDER

This Civil Revision Petition is filed against the order dated 08.12.2025 passed in E.P.No.101 of 2021 in O.S.No.56 of 2017 on the file of the III Additional District and Sessions Court, Thiruvallur at Poonamallee.

2. The judgment debtors are the petitioners in the present Civil Revision Petition.

3. The respondent filed a suit in O.S.No.56 of 2017, against the petitioners for the relief of declaration, recovery of possession and permanent injunction. The said suit was decreed on 04.02.2021. The respondent thereafter filed an execution petition in E.P.No.109 of 2021, seeking execution of the decree passed in the aforesaid suit and to deliver vacant possession of the schedule property. The petitioners filed a counter in the E.P stating that the



decree was not executable, since it contained inconsistent relief's of possession as well as permanent injunction. The petitioners therefore contended that the

EP was not maintainable without an amendment of the decree passed in the suit.

The trial Court on consideration of the entire materials on record found that decree was not inconsistent and that the relief of permanent injunction was only complementary to relief of recovery of possession. The trial Court therefore was of the view that the decree was completely executable and by its order dated 08.12.2025, directed delivery of possession to the decree holder through the Bailiff, with further directions to the Bailiff, to use minimum force for the purpose of removing the persons and their belongings, while implementing its order. The executing Court also directed that notice be issued to the judgment debtors in the presence of individual witness for effecting the delivery of possession and a detailed report thereof be filed before it. Aggrieved by the said order, the petitioners have filed the above Civil Revision Petition.

4. The learned counsel for the petitioners reiterated the submissions made before the trial Court. The learned counsel submitted that the decree of the learned District Judge, in granting the relief of permanent injunction as also recovery of possession was inconsistent, and hence inexecutable. The learned counsel therefore prayed that the Civil Revision Petition be allowed.

5. Heard both sides and perused the materials on record.



6. From a perusal of the prayer sought in the EP, it is clear that the respondent only sought for delivery of vacant possession of the suit property under order XXI, Rule 35 of the Code of Civil Procedure, in terms of the decree in the suit. As rightly pointed out by the trial Court, the decree for permanent injunction relates to future protection of possession of the decree holder, recovered from the judgment debtor. Hence, as rightly pointed out by the trial Court, there is no inconsistency in the reliefs of permanent injunction and recovery of possession, since the relief of permanent injunction is only complimentary to the relief of possession.

7. This Court finds absolutely no infirmity or illegality in the order passed by the trial Court. Hence, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

23-03-2026

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

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CRP No. 332 of 2



To
The III Additional District and Sessions Judge,
Thiruvallur, Poonamallee.

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CRP No. 332 of 2



N.MALA J.

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