



CRP(MD). No.311 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.311 of 2026
and
CMP(MD) No.1403 of 2026**

1.Thavasi @ Thavamani

2.T.Ponnammal

3.T.Pandi

... Petitioners

Vs

1.Maya Jothi

Mohan doss (Died)

Natarajan (Died)

2.P.Gurusamy

3.P.Chinna Gurusamy

4.Gnana Gurusamy

5.P.Sekar

6.A.Raman

7.Anbuselvi

8.Priya Darshini

9.M.Victoria

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10.M.Kamal Doss

11.M.Anandha Suganthi

12.M.Vimala Doss

... Respondents

PRAYER :-Civil Revision Petition filed under Section 115 of Civil Procedure Code, to call for the records pertaining to the order dated 17.12.2025 made in E.P. No.14 of 2024 in O.S. No.20 of 2011 on the file of the Learned District Munsif, Aundipatti, Theni District.

For Petitioners : Mr.J.Anand Kumar

For R4 : Mr.S.Vellaichamy

ORDER

This Civil Revision Petition has been filed challenging the order dated 17.12.2025 made in E.P.No.14 of 2024 in O.S.No.20 of 2011 on the file of the District Munsif Court, Aundipatti, Theni District.

2.The respondents herein have instituted a suit in O.S.No.20 of 2011 for the relief of recovery of possession, which was decreed by judgment and decree dated 07.04.2021, against which, the petitioners preferred an appeal in A.S.No.25 of 2021 and the same was dismissed, vide judgment dated 09.12.2025.



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3. Pending appeal, pursuant to the judgment and decree dated 07.04.2021, the respondents filed an Execution Petition in E.P.No.14 of 2024 seeking delivery of possession and on 17.12.2025, the said petition was allowed on the ground that the appeal preferred by the petitioners was dismissed on 09.12.2025 and there is no material placed before the Court to show that the dismissal of the appeal has been set aside or that any further proceedings are pending, which would legally restrain the execution of the decree. Challenging the same, the petitioners are before this Court.

4. The learned counsel for the petitioners would submit that immediately upon passing the order in the appeal, the Court below proceeded to order delivery of possession without affording the petitioners any reasonable or sufficient time to prefer further appeal or seek appropriate interim relief from the appellate forum. He would further submit that such precipitate action has effectively deprived the petitioners' valuable statutory right of appeal, rendering the remedy illusory.



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5.He would further submit that the Court below had passed an order beyond the prayer by ordering police protection, which warrants interference of this Court. Hence, he prays for appropriate orders.

6.He relied upon the judgment of this Court in the case of **Abdul Sukhure Bhai Vs. Durai Kuppaswamy** reported in **2006 (2) CTC 211**, wherein, it had been stated as under:-

13.The lower Courts are frequently confronted with the question of issuing police protection. Since the issuance of police aid is often raised in one way or other, by the lower Courts it is appropriate to issue the following guide lines:

In appropriate cases, Civil Court has the power to issue suitable directions to police officials as servants of law to extend their aid and assistance in the execution of decrees and orders of Civil Courts or in implementing an order of injunction passed by it. (1992 TLNJ 120).

Ordering police protection has got serious consequences, impinging on the rights of the parties. Police aid is not to be granted simultaneously with an order of injunction.

In cases where the lower Courts order police protection/police aid in the execution of decrees and orders of the civil Courts or in implementing an order of



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injunction passed by it, the Court is to record reasons as to how and why the case is the appropriate case to order police aid and for what purpose the police aid is ordered.

Police protection/police aid may not be ordered by a non-speaking order. Order of Court for police aid might give room for the parties to take law into their own hands. The party having the order of Court for police aid, might try to disturb the status quo - either by trying to take possession or trying to dispossess the opponent.

Order of the Court for police protection is to specifically indicate in precise terms the purpose for which police protection is ordered.”

7.The learned counsel for the fourth respondent submits that since the appeal filed by the petitioners was dismissed and the judgment and decree passed in the suit attained finality, there exists no legal impediment for execution of the decree and the respondents are entitled to delivery of possession. Hence, he prays for dismissal of this petition.

8.Heard the learned counsel for the petitioners and the learned counsel for the fourth respondent. Records perused.



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9. Admittedly, the respondents presented O.S.No.20 of 2011 for recovery of possession and the same was decreed on 07.04.2021, against which, the petitioners preferred A.S.No.25 of 2021 and the same was also dismissed on 09.12.2025. Since the judgment and decree dated 07.04.2021 attained finality, E.P.No.14 of 2024 filed by the respondents for delivery of possession was ordered on 17.12.2025 and the same is under challenge herein.

10. It is to be noted that once the proceedings have attained finality before the competent forum, the successful party is entitled to enjoy the fruits of the decree without undue delay. The petitioners cannot, as a matter of right, insist that the Court should grant breathing time to enable them to prefer a further appeal, especially in the absence of any statutory mandate or specific order of stay from a higher forum. This Court finds no illegality, irregularity, or perversity in the order passed by the Court below warranting interference under Revisional jurisdiction.

11. In fine, the Civil Revision Petition stands dismissed, granting liberty to the parties to raise their contentions before the appropriate



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forum in the manner known to law with regard to grant of police protection. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To

The District Munsif, Aundipatti, Theni District.



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N.SENTHILKUMAR, J.

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