



CRP(MD). No.3747 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 23.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3747 of 2025
and CMP(MD).No.19730 of 2025**

Kalyanasundaram

... Petitioner

Vs.

1.Naganathan

2.Duraimurugan

... Respondents

PRAYER :-Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the fair and decretal order, dated 08-08-2025 in E.P.No.07 of 2024 in OS.No.67 of 2015 on the file of the learned District Munsif, Thiruvadanai.

For Petitioner : Mr.J.Madhu

For Respondents : Ms.Harini
Legal aid counsel

ORDER

This civil revision petition has been filed to set aside the fair and decretal order, dated 08-08-2025 in E.P.No.07 of 2024 in OS.No.67 of 2015 on the file of the learned District Munsif, Thiruvadanai.



CRP(MD). No.3747 of 2025

WEB COPY

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the records.

3. The present Civil Revision Petition has been filed challenging the order of the trial Court dismissing the application seeking initiation of contempt proceedings.

4. The revision petitioner sought initiation of contempt proceedings against the respondent alleging wilful disobedience of the decree. The trial Court, while dismissing the application, took into consideration Ex.P1 to Ex.P28 and found no sufficient material to establish disobedience.

5. The learned counsel for the revision petitioner submitted that the respondent was fully aware of the decree and the proceedings, yet failed to appear before the Execution Court and continued to interfere with the petitioner's possession. It is further contended that the suit property, bearing the relevant survey number, belongs to the petitioner and that he has been in possession and enjoyment of the same. According to the petitioner, the respondent interfered with such possession by entering the property and



CRP(MD). No.3747 of 2025

carrying on agricultural activities, including harvesting the produce, despite the decree in favour of the petitioner. Hence, it is contended that there is wilful and continued disobedience warranting contempt action.

6.Per contra, the learned counsel for the respondent submitted that the trial Court has rightly held that there is no sufficient evidence produced by the petitioner to substantiate the alleged acts of disobedience. It is contended that no documentary or reliable corroborative evidence has been placed to prove that the respondent had interfered with the petitioner's possession or removed agricultural produce as alleged.

7.This Court finds that, to establish contempt on the ground of wilful disobedience, there must be clear, cogent, and reliable evidence. The allegation that the respondent interfered with the property and removed agricultural produce at the time of harvest must be proved in the manner known to law.

8.In the present case, in the absence of any convincing documentary or corroborative evidence, the trial Court has rightly dismissed the application. Though it is contended that the disobedience is a continuing one, in the absence of proof, no action for contempt can be sustained.



CRP(MD). No.3747 of 2025

9. Accordingly, this Court finds no infirmity in the order passed by the trial Court, and the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10. The Court places on record its appreciation for the commendable efforts of the legal aid counsel for the respondents, namely, Ms. Harini, for conducting the case diligently and providing valuable assistance to this Court. The High Court Legal Services Committee attached to this Bench shall pay a total sum of Rs.10,000/- towards remuneration to the legal aid counsel for conducting the cases, within a period of two weeks from the date of receipt of a copy of this order, without fail.

11. Registry is directed to forward a copy of this order to the Legal Aid Committee for information.

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

23.02.2026



CRP(MD). No.3747 of 2025

To

WEB COPY

- 1.The District Munsif, Thiruadanai.
- 2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.
- 3.The Legal Aid Committee,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CRP(MD). No.3747 of 2025

N.SENTHILKUMAR, J.

TM

CRP(MD). No.3747 of 2025

23.02.2026