

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 17.10.2025

Order pronounced on : 25.10.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.5113 of 2025

& CMP.No.25755 of 2025

1.Santhi
2.Radhakrishnan
3.Sasikala
4.Sathish

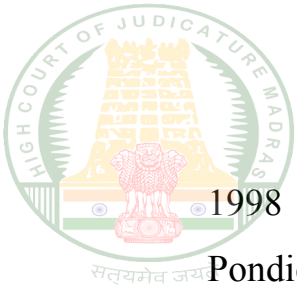
... Petitioners

Vs.

1.Pazhanivelu
Givindammal (Died)
Lourdusamy (Died)
2.Franceica Marie
3.Chinnathambie
4.Raj @ Pushparaj
5.Yesu @ Puhazhendi
6.Sankar @ Antonisamy
7.Arul Prakasa Marie
9.Sekar
10.Kanagavalli
11.Duraikannou
12.Elizabeth Marie
13.Josephine
14.Steephen Arokiyaraj

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the order and decretal order passed in E.A.No.2 of 2021 in E.P.No.181 of



1998 on the file of the Special Officer cum Additional Sub-Judge,
Pondicherry dated 10.10.2025.

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For Petitioners : Mr.Vasanthakumar
for Mr.K.S.Mohandass

For Respondents : Mr.R.Subramaniam
for Mr.V.V.Sairam

ORDER

The judgment debtors 13 to 16 in E.P.No.181 of 1998, on the file of the Special Officer cum Additional Sub-Judge, Pondicherry, are the revision petitioners.

2.I have heard Mr.Vasanthakumar for Mr.K.S Mohandas, learned counsel for the petitioners and Mr.R.Subramaniam for Mr.V.V.Sairam, learned counsel for the respondents.

3.Mr.Vasanthakumar, learned counsel for the revision petitioners would submit that the first respondent /decree holder has obtained a decree in O.S.No.154 of 1985 and though the matters had attained finality, in A.S.No.92 of 1991, there was a specific order passed by the learned Additional Sub-Judge Puducherry, on 03.03.2011 in E.A.No.90 of 2008,



where the first respondent/ decree holder sought for an amendment of the schedule in the execution petition.

4. Inviting my attention to paragraph No.7 of the said order, Mr. Vasanthakumar, learned counsel for the petitioners states that though the amendment was ordered as prayed for, the Court had specifically directed the first respondent to take necessary steps to carry out the amendment, not only in the E.P schedule, but also to take proper steps for amending the decree in O.S.No. 154 of 1985, as well as decree in A.S.No.92 of 1991 and other connected documents. Mr. Vasanthakumar, learned counsel would state that though the amendment was carried out only in the execution petition, the necessary amendments in the decree in the suit and the first appeal were never carried out, and therefore rightly, the petitioners moved E.A.No.2 of 2021 under Section 47 of the Code of Civil Procedure, contending that the decree is inexecutable. The learned counsel would therefore state that when admittedly, the executing Court had required the decree holder to amend the decree in the suit and in the first appeal and without doing so, it is not open to the first respondent to proceed with the execution petition.



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5.Per contra, Mr.R.Subramanian, learned counsel appearing for the respondents would submit that the order on which the reliance is placed on by the counsel for the petitioner i.e., the order dated 03.03.2011 was challenged before this Court in CRP.(NPD).Nos.2946 & 2947 of 2011 by the revision petitioners themselves and the said revisions came to be dismissed, and that subsequently, the first respondent / decree holder took out an application in E.A.No.12 of 2024 for appointment of an Advocate Commissioner. Though the executing Court dismissed the application, the same was challenged in CRP.No.2989 of 2024, and this Court allowed the revision and directed appointment of an Advocate Commissioner and also to expedite the execution proceedings and ensure that the same is disposed of within a period of three months.

6.It is therefore the contention of Mr.R.Subramanian, learned counsel for the respondents that the very same issues have been agitated repeatedly and the present application is nothing but an attempt to protract the proceedings further and defeat the decree passed in favour of the first respondent. He would therefore pray for the revision being dismissed.



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7.I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the records.

8.No doubt, as contended by Mr.Vasanthakumar, the learned Additional Sub-Judge, Puducherry, while allowing the amendment application filed by the first respondent / decree holder in E.A.No. 90 of 2008, had required the decree in the suit as well as the first appeal also to be suitably amended. The said order was brought up to this Court by the revision petitioners and this Court, while dismissing the said revision has held that the Cadastre number and RS number were interchanged by inadvertence and the same does not change the actual description of the properties.

9.This Court also found that there is no dispute with regard to the identity of the property as well and parties have been locking horns before various Courts right from 1985 onwards and when there is no discrepancy with regard to the four boundaries and the correction of a mistake that had arisen due to interchange of Cadastre number and RS number does not go to

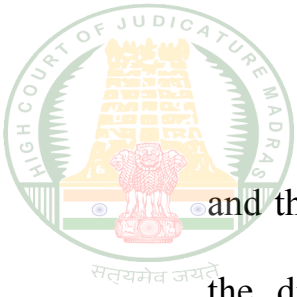


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the root of the matter and the objections of the revision petitioners were overruled.

10. In fact, even in the said revision, the petitioners took the very same contentions that are now taken in the present revision, that the decree in the suit and the appeal suit have not been amended. However, this Court did not find merit in the said contentions and ultimately dismissed the revision. I am also informed that the said order was taken up by way of a Special Leave Petition to the Honourable Supreme Court and the SLP was also dismissed.

11. In the order passed by this Court in CRP.No.2989 of 2024, which was filed at the instance of the first respondent / decree holder, challenging the dismissal of the application for appointment of an Advocate Commissioner as well, I find that after going through the entire records and extracting the order passed in the earlier revision petitions in the year 2011, this Court finding that the SLP(Civil)Nos.332 and 333 of 2011 were also dismissed on 19.07.2016, gave a finding that the very application under Section 47 of CPC, raising objections regarding description of the property had already been unsuccessfully raised up to the Honourable Supreme Court



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and the same cannot be re-agitated once again. In fact, this Court set aside the dismissal of the Advocate Commissioner application and directed appointment of an Advocate Commissioner to aid the execution of the decree.

12. In the light of the earlier orders passed by this Court, not once, but twice the very same objections regarding the mistake in the survey number have been elaborately argued and rejected. Once again, the petitioners are now agitating the very same ground that the property has not been properly described and are trying to thwart the execution process. The executing Court has rightly considered the chequered history that the case has gone through and found that the Section 47 application is clearly re-litigation of issues that have already attained finality. I do not find any illegality or perversity in the findings arrived at by the executing Court in dismissing the Section 47 petition.

13. This Court, while disposing of CRP.No.2989 of 2024, directed the executing Court to expedite the execution proceedings in E.P.No.181 of 1998 and dispose of the same within a period of three months. Despite the



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direction of this Court, in view of the application filed by the revision petitioners, the execution of the decree has been further delayed. In fact, pursuant to this order in the revision, an Advocate Commissioner has also been appointed, who has taken the assistance of a Surveyor and has identified the property, which is sought to be executed as ABCD and therefore, the petitioners cannot continue to harp on a technical objection that the correct survey number does not find place in the decree and the appeal suit.

14.It is a clear attempt on the part of the revision petitioners to somehow or the other protract the execution proceedings and continue to be in possession of the subject property. The petitioners have failed not once, but thrice in stalling the execution proceedings. In the light of the above, I am inclined to direct the petitioners to hand over possession of the portion that has been marked as ABCD in the Advocate Commissioner's report which was filed pursuant to the orders passed in CRP.No.2989 of 2024 by order dated 12.11.2024. The petitioners shall vacate and hand over vacant possession by 21.11.2025.



15.Post the matter on 24.11.2025 under the caption 'for reporting compliance'.

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25.10.2025

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

The Special Officer cum Additional Sub-Judge, Pondicherry.



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P.B. BALAJI,J.

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Pre-delivery order made in
CRP.No.5113 of 2025
& CMP.No.25755 of 2025

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