

C.R.P.(MD).No.515 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD).No.515 of 2026

and

C.M.P(MD).No.2258 of 2026

Usha Maheswari

... Petitioner

Vs.

1. R.Varadarajaperumal

2.S.Banumoorthy

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code, to set aside the order passed in E.A.No.1/2024 in E.P.No.139/2015 in O.S.No.208/2015 dated 18-10-2024 and pass an order to allow this revision and thus render justice.

For Petitioner : Mr.R.Ramasamy

For R1 : NA

ORDER

The present Civil Revision Petition has been filed challenging the order passed by the Trial Court in E.A. No.1 of 2024 in E.P. No.139 of 2015 in O.S. No.208 of 2015, dated 03.02.2026. The operative portion of the impugned

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order reads as follows:

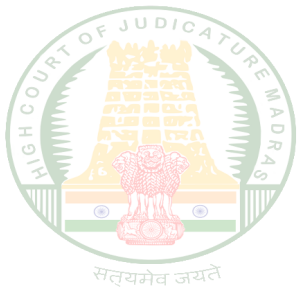
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“E.A.No.2/2024, 4/2024, 5/2024, E.A.No.6.2025 and E.A.No.7/2025 are dismissed.

Finally the respective police who have domine over the petition mentioned property is hereby ordered to give adequate police protection to the petitioner for laid fencing around the petition mentioned property. Petition allowed accordingly. No cost.”

2. Mr.R.Ramasamy, learned counsel appearing for the revision petitioner, submitted that the petitioner has a right in the suit schedule property and has filed an application seeking to implead himself in the execution petition. It is further submitted that such right has already been recognised by this Court in C.R.P.(PD)(MD) No.3149 of 2024. This Court, in paragraph nos.16 to 18 of the said order, has observed as follows:

“16. The facts narrated above would clearly indicate that the father of the first respondent herein had obtained a decree for Specific Performance for an extent of 53 cents. The Court has executed a sale deed for the entire extent of 53 cents in E.P.No.139 of 2015. According to the first respondent in the revision petition, they have taken possession of 38 cents of land from the defendant in the said suit, but they were not able to



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take possession of the balance 15 cents.

17. In view of the fact that there are some encroachments for removing the said encroachments and to take possession, they had to file a separate suit. Though it is contended that the first respondent has taken possession of 38 cents of land, the disputes which are narrated above would clearly indicate that there is some resistance/obstruction to the possession of the first respondent, even over the said 38 cents.

18. In such circumstances, the Trial Court ought not to have ordered police protection petition for fencing the entire 38 cents especially in view of the fact, the first respondent has not taken possession of the 38 cents through Court. The revision petitioner herein, has already filed E.A.No.3 of 2024 to implead herself in E.A.No.1 of 2024. The Trial Court shall proceed to implead the revision petitioner in E.A.No.1 of 2024. The Trial Court shall also tag the other application filed by certain third parties under Order XXI Rule 97 of Code of Civil Procedure, 1908 along with E.A.No.1 of 2024 and a common order shall be passed.”

3. It is the grievance of the revision petitioner that, despite the specific directions issued by this Court to consider the objections raised by him and



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other third parties, the executing Court has once again granted police protection without considering the earlier directions issued in C.R.P.(PD) (MD) No.3149 of 2024.

4. There shall be an order of interim stay of the impugned order dated 03.02.2026.

5. Issue notice to the respondents returnable by 27.03.2026. Private notice also permitted.

6. List the case on 27.03.2026

20.02.2026

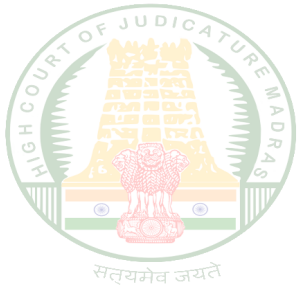
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Note: Issue order copy on 23.02.2026.

To

The Principal Sub-Court,
Madurai.

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N.SENTHILKUMAR,J.

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