



CRP(MD). No.3703 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18.02.2026

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3703 of 2025
and CMP(MD).Nos.19544 of 2025 and 1678 of 2026**

C.Thambidurai

... Petitioner

Vs.

R.N.Palanisamy (Died)

1.Rajan

2.Logambal

... Respondents

PRAYER :-Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to call for the records and set aside the Fair and Decreetal order dated 21.11.2025 passed in EP No.1 of 2025 in OS No.206 of 2013 on the file of District Munsif Court, Melur and allow this Civil Revision with costs throughout.

For Petitioner : Ms.K.Swathini

For Respondents : Mr.S.Periyar Vendhan

ORDER

This civil revision petition has been filed to set aside the Fair and Decreetal order dated 21.11.2025 passed in EP No.1 of 2025 in OS No.206 of



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2013 on the file of District Munsif Court, Melur.

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

3. The learned counsel for the petitioner contended that the description of the suit schedule property in the plaint is set out at page No. 29, as follows:

Schedule of Property

Madurai District, Melur Taluk, Melur Town, New Agraharam, Door No.5, S.No.154/1N, Building measuring east-west, 24 feet, south north 26 feet, with Verandah (Latrines and bathroom comprised therein) a portion of building bearing separate Door numbers 5 to 9 situate within the following four boundaries;

North: East West Union Lane

East: Road

South: Road

West: Property Belonging to Siva Ramakrishna Iyer and Common Wall,

within these total measurement for the entire building east west 24 feet, south north 110 feet, that is 2460 square feet.

whereas in the decree, the suit schedule property is described differently at page No. 36, as follows:



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Schedule of Property

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Madurai District, Melur Taluk, Melur Town, New Agraharam, Door No.5, S.No.154, Building measuring east-west, 24 feet, south north 26 feet, with Verandah (Latrines and bathroom comprised therein) a portion of building bearing separate Door numbers 5 to 9 situate within the following four boundaries;

North: East West Union Lane

East: Road

South: Road

West: Property Belonging to Siva Ramakrishna Iyer and Common Wall,

within these total measurement for the entire building east west 24 feet, south north 110 feet, that is 2460 square feet.

4. Therefore, an application was filed before the Execution Court to rectify the error that had crept into the description of the suit schedule property both in the plaint and in the decree. These discrepancies were also pointed out in the counter filed in the execution application.

5. The trial Court, however, proceeded further without properly considering the error in the description of the suit schedule property as mentioned in the plaint and the decree.



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6. In view of the above, the present Civil Revision Petition is disposed of, and the order passed by the trial Court is set aside. The Execution Court is directed to consider the counter filed with regard to the error pointed out in the property description and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

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

18.02.2026

To

1. The District Munsif, Melur.

2. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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N.SENTHILKUMAR, J.

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