

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Order reserved on : 17.12.2025

Order pronounced on : 09.01.2026

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.Nos.5509, 5513, 5514, 5518,
5519, 5520, 5524 & 5611 of 2025
& CMP.Nos.27705, 27708, 27711, 27713,
27715, 27716, 27720, 27721, 27722,
27727, 27723, 27728, 27741, 27743, 28115 & 28116 of 2025

CRP.No.5509 of 2025:

1.Palani
2.Lakshmi

... Petitioners

Vs.

1.Santhammal

Nagammal (Died)

2.Sakunthala

3.Ramani

4.Sundari

5.The Government Employees Welfare Association,

Represented by its President and Secretary,

No.2, Vallalar Street,

Thiruvallur,

Thiruvallur Taluk.

6.The Sub-Registrar,

Registration Department,

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Manavalanagar,
Thiruvallur,
Thiruvallur – 602 001.

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the fair and decreetal order dated 25.08.2025 in E.A.No.09 of 2025 in E.P.No.70 of 2016 passed by the Subordinate Judge, Poonamallee.

CRP.No.5513 of 2025:

1.Palani
2.Lakshmi

... Petitioners

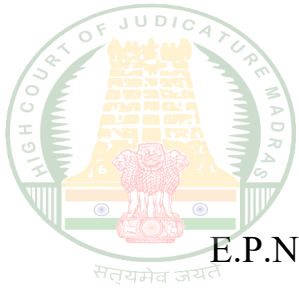
Vs.

1.Sakunthala
2.Santhammal

Nagammal (Died)
3.Ramani
4.Sundari
5.The Government Employees Welfare Association,
Represented by its President and Secretary,
No.2, Vallalar Street,
Thiruvallur,
Thiruvallur Taluk.
6.The Sub-Registrar,
Registration Department,
Manavalanagar,
Thiruvallur,
Thiruvallur – 602 001.

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the fair and decreetal order dated 25.08.2025 in E.A.No.04 of 2025 in



E.P.No.71 of 2016 passed by the Subordinate Judge, Poonamallee.

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CRP.No.5514 of 2025:

1.Palani
2.Lakshmi

... Petitioners

Vs.

1.Ramani
2.Santhammal

Nagammal (Died)
3.Sakunthala
4.Sundari
5.The Government Employees Welfare Association,
Represented by its President and Secretary,
No.2, Vallalar Street,
Thiruvallur,
Thiruvallur Taluk.
6.The Sub-Registrar,
Registration Department,
Manavalanagar,
Thiruvallur,
Thiruvallur – 602 001.

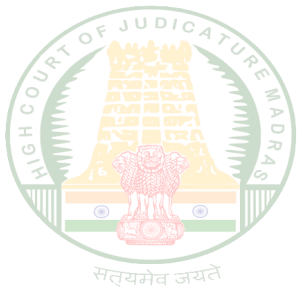
... Respondents

Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the fair and decreetal order dated 25.08.2025 in E.A.No.11 of 2025 in E.P.No.77 of 2016 passed by the Subordinate Judge, Poonamallee.

CRP.No.5518 of 2025:

1.Palani
2.Lakshmi

... Petitioners



Vs.

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- 1.Ramani
- 2.Santhammal

Nagammal (Died)

3.Sakunthala

4.Sundari

5.The Government Employees Welfare Association,
Represented by its President and Secretary,
No.2, Vallalar Street,
Thiruvallur,
Thiruvallur Taluk.

6.The Sub-Registrar,
Registration Department,
Manavalanagar,
Thiruvallur,
Thiruvallur – 602 001.

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the fair and decreetal order dated 25.08.2025 in E.A.No.05 of 2025 in E.P.No.76 of 2016 passed by the Subordinate Judge, Poonamallee.

CRP.No.5519 of 2025:

- 1.Palani
- 2.Lakshmi

... Petitioners

Vs.

- 1.Sundari
- 2.Santhammal

Nagammal (Died)

3.Sakunthala

4.Ramani

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5.The Government Employees Welfare Association,
Represented by its President and Secretary,
No.2, Vallalar Street,
Thiruvallur,
Thiruvallur Taluk.

6.The Sub-Registrar,
Registration Department,
Manavalanagar,
Thiruvallur,
Thiruvallur – 602 001.

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the fair and decreetal order dated 25.08.2025 in E.A.No.03 of 2025 in E.P.No.74 of 2016 passed by the Subordinate Judge, Poonamallee.

CRP.No.5520 of 2025:

1.Palani
2.Lakshmi

... Petitioners

Vs.

1.Sakunthala
2.Santhammal

Nagammal (Died)
3.Ramani
4.Sundari
5.The Government Employees Welfare Association,
Represented by its President and Secretary,
No.2, Vallalar Street,
Thiruvallur,
Thiruvallur Taluk.
6.The Sub-Registrar,
Registration Department,
Manavalanagar,



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Thiruvallur,
Thiruvallur – 602 001.

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the fair and decreetal order dated 25.08.2025 in E.A.No.08 of 2025 in E.P.No.75 of 2016 passed by the Subordinate Judge, Poonamallee.

CRP.No.5524 of 2025:

1.Palani
2.Lakshmi

... Petitioners

Vs.

1.Santhammal

Nagammal (Died)

2.Sakunthala

3.Ramani

4.Sundari

5.The Government Employees Welfare Association,
Represented by its President and Secretary,

No.2, Vallalar Street,

Thiruvallur,

Thiruvallur Taluk.

6.The Sub-Registrar,

Registration Department,

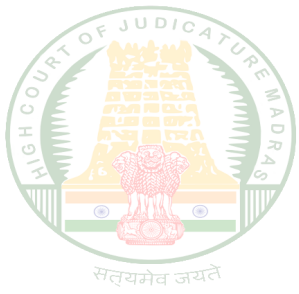
Manavalanagar,

Thiruvallur,

Thiruvallur – 602 001.

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the fair and decreetal order dated 25.08.2025 in E.A.No.03 of 2025 in E.P.No.73 of 2016 passed by the Subordinate Judge, Poonamallee.



WEB COPY CRP.No.5611 of 2025:

1.Palani
2.Lakshmi

... Petitioners

Vs.

1.Sundari
2.Santhammal

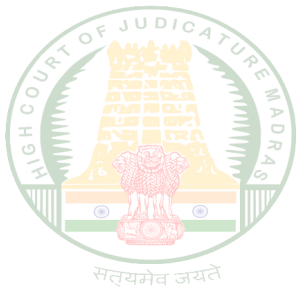
Nagammal (Died)
3.Sakunthala
4.Ramani
5.The Government Employees Welfare Association,
Represented by its President and Secretary,
No.2, Vallalar Street,
Thiruvallur,
Thiruvallur Taluk.
6.The Sub-Registrar,
Registration Department,
Manavalanagar,
Thiruvallur,
Thiruvallur – 602 001.

... Respondents

Prayer: Civil Revision Petition filed under Section 115 of CPC, to set aside the fair and decreetal order dated 25.08.2025 in E.A.No.11 of 2025 in E.P.No.72 of 2016 passed by the Subordinate Judge, Poonamallee.

For Petitioners : Mr.K.Ashok Kumar in all CRPs

For Respondents : Mr.M.V.Seshachari for RR1 to 4
Mr.A.Anandan
Government Advocate for RR5 & 6
in all CRPs



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COMMON ORDER

These revision petitions have been filed by the judgement debtors, challenging the amendment applications filed by the decree holder being entertained and allowed by the executing Court. In eight execution petitions, eight separate applications for amendments have been taken out and the executing Court has proceeded to allow the amendment applications, as against which, the present revision petitions have been filed.

2.I have heard Mr.K.Ashok Kumar, learned counsel for the revision petitioners in all the revision petitions and Mr.M.V. Seshachari, learned counsel for respondents 1 to 4 in all the revision petitions and Mr.A.Anandan, learned Government Advocate for the respondents 5 and 6 in all the revision petitions.

3.Mr.K.Ashok Kumar, learned counsel for the revision petitioners would first and foremost contend that the decree holder has sought to amend the schedule in the execution petition, without even seeking amendment of the plaint and the preliminary decree, as also the report of the first Advocate Commissioner. The learned counsel for the petitioners would also point out



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to the inconsistencies with regard to the extent of the property and survey numbers and state that the discrepancies go to the root of the matter and without amending the preliminary decree, after amending the plaint, the respondent was not entitled to straight away seek amendment of the EP alone.

4.The learned counsel for the petitioners would further submit that though a preliminary decree was passed in respect of 11 items, the respondent/ decree holder has given up items 3 to 11 and has restricted the execution petition only to items 1 and 2. He would also fairly bring to my notice that the attempt to set aside the preliminary decree by the revision petitioners was unsuccessful up to this Court, however, he would state that as against the dismissal of his application under Order XXI Rule 58 of CPC, an appeal is pending in A.S.No.25 of 2023.

5.Pointing out to the averments set out in the affidavit in support of the amendment applications, Mr.K.Ashok Kumar, learned counsel would state that absolutely no reasons have been assigned for seeking amendment and when the title is being seriously disputed by the revision petitioners, the executing Court ought not to have entertained the amendment applications.

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He would further contend that the amendment applications are also filed after a lapse of 25 years and considering that the suit was filed even in the year 1999, the request for amendment is hopelessly barred by limitation. He would therefore pray for the revisions petitions being allowed, setting aside the order of the executing Court permitting amendment.

6.Per contra, Mr.M.V.Seshachari, learned counsel appearing for the respondents 1 to 4/decree holders, would firstly contend that the amendment applications were necessitated, only in order to bring the EP schedule in conformity to the final decree passed in the matter. It is his further submission that it is not as if the respondents/decree holders have abandoned their claim in respect of items 3 to 11 and in this regard, he would submit that only because of jurisdictional issues, the subject EP was filed limited to items 1 and 2 and insofar as the remaining items, a separate execution petition has already been filed and the same is pending before the jurisdictional Court.

7.Pointing out to the final decree passed in respect of items 1 and 2, Mr.M.V.Seshachari, learned counsel would submit that by inadvertence, the portions that have been allotted to the parties have been interchanged and

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only for such limited purpose, the amendment applications were taken out and in view of the amendment arising consequent to the final decree being passed, he would state that the question of delay or necessity to amend the plaint or the preliminary decree does not arise.

8. The learned counsel for the respondents 1 to 4 would also contend that while re-delivering the property in favour of the revision petitioners, the executing Court had rendered a categorical finding that only because of improper description of the properties, the execution proceedings were set aside. He would further bring to my notice that in EA, which was filed by the revision petitioners for re-delivery, the Court had given a categorical finding that the execution petition has been filed in respect of mistaken identity of the respondent's property, without specific boundaries and measurements and therefore, in the interest of justice, the execution petition could be maintained, only after necessary amendment to the schedule. After rendering such a finding, the executing Court directed re-delivery of the items 1 and 2 to the petitioners. He would therefore contend that only in view of the said observations and findings of the executing Court, the amendment applications were even necessitated and he would therefore pray



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for the revisions being dismissed, as according to the learned counsel, the executing Court has rightly allowed the amendment applications.

9.I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the impugned orders, in and by which, the executing Court has allowed the amendment applications filed by the decree holders.

10.The executing Court has found that the decree holders will have to be permitted to furnish correct particulars of the property, in order to enjoy the fruits of the decree and it is always open to the judgment debtors to raise their objections by filing an additional counter.

11.The case of the decree holders is that in the final decree proceedings, the Advocate Commissioner has suggested a particular mode of division, which has been agreed and accepted by the Court below. However, the portions that have been earmarked to the respective parties have inadvertently got interchanged in the execution petitions and only in order to correct the said inadvertent mistakes, the amendment applications

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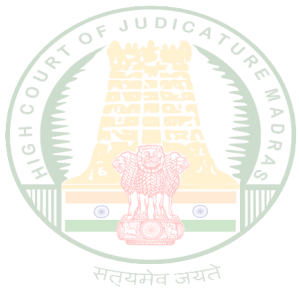
have been filed. In view thereof, I do not see how any delay can be put against the decree holders.

12.As rightly pointed out by Mr.M.V.Seshachari, learned counsel for the respondents 1 to 4, the purpose of amendment was only to bring the execution petitions in line with the final decree passed by the Court. At the same time, it is to be noted that while ordering re-delivery, the executing Court has rendered certain findings and has held that unless the EP is amended, the decree cannot be executed. It is pursuant to the said order that the amendment applications have been taken out. The respondent is satisfied with the proposed amendments that have been permitted by the executing Court, despite the order suffered in the re-delivery applications. In such view of the matter, I do not see any merit in the revision petitions.

13.In fine, the Civil Revision Petitions are disposed of in the manner following:

(i) The orders in [EA.No.09](#) of 2025 , [EA.No.11](#) of 2025, [EA.No.04](#) of 2025, [EA.No.11](#) of 2025, [EA.No.05](#) of 2025, [EA.No.03](#) of 2025, [EA.No.08](#) of 2025, and [EA.No.03](#) of 2025 in the respective revision petitions are confirmed and the Civil Revision Petitions are dismissed.

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(ii) However, it shall be open to the petitioners to file an additional counter and set forth all their objections to the executability of the decree.

(iii) The petitioners shall not be permitted to seek any further amendment of the execution petition.

(iv) The executing Court shall dispose of the respective execution petitions on or before 31.03.2026.

(v) There shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

09.01.2026

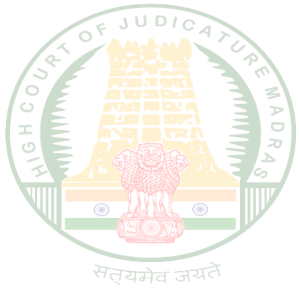
Neutral Citation: Yes/No
Speaking Order/Non-speaking Order
Index : Yes / No
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To

1. The Subordinate Court, Poonamallee.
2. The Government Employees Welfare Association,
Represented by its President and Secretary,
No.2, Vallalar Street,
Thiruvallur, Thiruvallur Taluk.
3. The Sub-Registrar,
Registration Department,
Manavalanagar,
Thiruvallur, Thiruvallur – 602 001.

P.B. BALAJI, J.

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Pre-delivery order made in
CRP.Nos.5509, 5513, 5514, 5518,
5519, 5520, 5524 & 5611 of 2025
& CMP.Nos.27705, 27708, 27711, 27713,
27715, 27716, 27720, 27721, 27722,
27727, 27723, 27728, 27741,
27743, 28115 & 28116 of 2025

09.01.2026