



C.R.P.No.4562 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-09-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No.4562 of 2025

Priyanka Poultry Farm rep
by its Proprietor
Murugan,
Maniyaram Pudur,
Vallipuram Post,
Namakkal Taluk,
Namakkal District

.... Petitioner

Vs

PePe Firm rep by its
Managing Partner
C.V.Arulvelavan,
5/312, Rajaji Nagar,
Opp. Teachers Colony,
Mohanur Road,
Namakkal District

.... Respondent

Revision filed under Article 227 of the Constitution of India directing the learned Special Court for Scheduled Castes and Scheduled Tribes Cases, Namakkal to number the unnumbered EA CFR No.1779 of 2025 in EP No.42 of 2016 in O.S.No.166 of 2014 and to decide the petition filed under Section 47 of Civil Procedure Code on merits.

For Petitioner: Mr.N.Ponaj



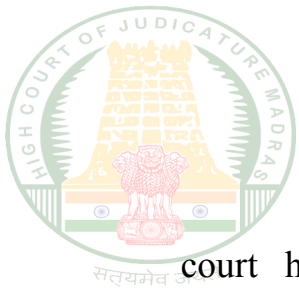
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ORDER

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Heard the learned counsel for the petitioner. The revision petitioner challenges the Docket Order in Unnumbered REA in REP No.42 of 2016 in O.S.No.166 of 2014.

2. The petitioner had questioned the executability of the decree by filing an application under Section 47 and 151 of Civil Procedure Code. The said application has been returned by the executing court on 04.08.2025 and complying with the returns, the petitioner has re-presented the application on 08.08.2025 contending that the application under Section 47 of Civil Procedure Code is maintainable and also brought to the notice of the executing Court the directions issued by this Court in the case of ***Selvaraj and others vs Koodankulam Nuclear Power Plant Indian Ltd in CRP (MD) Nos.915, 943, 967, 991 and 330 of 2020 dated 16.07.2021*** reported in ***2021 SCC Online Mad 2514***. However, despite the same, the executing court has once again returned the application on 21.08.2025 without even considering the compliance made and the reference to the decision of this Court in the case ***Selvaraj and others vs Koodankulam Nuclear Power Plant Indian Ltd*** reported in ***2021 SCC Online Mad 2514***, referred to supra the executing



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court has once again returned the application stating that it is not maintainable as it has been filed after 10 years from the date of the decree and that there has been no appeal as against the judgment and decree passed by the trial Court in O.S.No.166 of 2014.

3. This Court has issued series of directions in the case of ***Selvaraj and others vs Koodankulam Nuclear Power Plant Indian Ltd*** reported in ***2021 SCC Online Mad 2514***, to be followed by the trial Courts, while taking up the applications for suits prior to the stage of numbering.

4. The executing court, in the instant case, has clearly not followed the directions issued by this Court. If at all the executing Court had raised any doubts regarding maintainability of the application, then, it will be incumbent on the executing Court to decide the matter in open court after hearing the learned counsel for the applicant before passing further orders.

5. Despite the compliances made by the petitioner including referring



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the decision of this Court referred to supra , the Section 47 petition has not been numbered, I am inclined to set aside the docket order, returning the application.

6. The executing court shall number the application if it is otherwise in order and dispose of the same after giving opportunity to all parties, within a period of three months from the first hearing date.

7. Registry is directed to return the original unnumbered REA in REP No.542 of 2016 in O.S.No.166 of 2014 that has been filed before this Court to the learned counsel for the petitioner across getting an acknowledgement.

23.09.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order

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To

The Special Court for Scheduled Castes and Scheduled Tribes Cases,
Namakkal

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