



C.R.P.No.4725 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No.4725 of 2025 and CMP No.23864 of 2025

Padmanathan

.... Petitioner

Vs

- 1.Amuthavalli
- 2.Thiruvengada Subramaniam
- 3.Viswanathan
- 4.Vaithyanathan
- 5.Valarmathi
- 6.Rajanagam
- 7.Rajangam
- 8.Renganathan
- 9.Manimaran

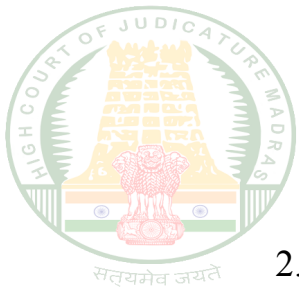
.... Respondents

Revision filed under Section 115 of Civil Procedure Code against the Docket Order dated 15.07.2025 in I.A.SR No.4222 of 2025 in I.A.No.223 of 2021 in O.S.No.114 of 1986 on the file of Subordiante Court, Neyveli.

For Petitioner: Mr.T.Karunakaran

ORDER

The petitioner has filed this revision petition, aggrieved by the rejection of the application filed even before numbering on the ground that the petitioner is a third party and the petition is not maintainable.



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2. Heard the learned counsel for the petitioner.

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3. This Court in the case of *Selvaraj and others vs Koodankulam Nuclear Power Plant Indian Ltd* reported in *2021 SCC Online Mad 2514* has held that the trial court cannot conduct roving enquiry at the stage of numbering the application or suit and if it at all the court apprehends that the application is not maintainable, then it will be incumbent upon the trial Court to decide the matter in open court after hearing the learned counsel for the applicant before passing further orders.

4. However, in the present case, the trial court has returned the application as not being maintainable, without even affording an opportunity to the petitioner to address arguments.

5. In the light of the above, I inclined to set aside the docket order dated 15.07.2025 in IA SR No.4222 of 2025 in I.A.No.223 of 2021 in O.S.No.114 of 1986. The petitioner is directed to re-present IASR No.4222 of 2025 in I.A.No223 of 2021 and if the trial court has any doubts regarding maintainability of the application, the trial court shall hear the learned



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counsel for the applicant regarding maintainability and only thereafter shall pass orders.

6. It is also made clear that the principles laid down in the case of ***Selvaraj and others vs Koodankulam Nuclear Power Plant Indian Ltd*** reported in ***2021 SCC Online Mad 2514*** shall be strictly adhered to while taking up the application.

7. The original order and affidavit in IASR No. 4222 of 2025 shall be returned to the learned counsel for the petitioner across getting acknowledgement.

26.09.2025

Index: Yes/No
Website:yes/no
Speaking Order/Non-speaking Order
sr

To
The Subordinate Court, Netveli



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P.B.BALAJI,,J

sr

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