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C.R.P.No.6012 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P.No.6012 of 2025

and

CMP.No.29734 of 2025

1. Boomi Bottling Gas Co.Pvt.Ltd.,
No.648, Anna Salai,
Thousand Lights,
Chennai – 600 006.

Presently at
No.10, Thiruvallur Salai,
P.V.Nagar, Kodungaiyur,
Chennai – 600 118.

2. K.V.P.Boominathan

... Petitioners

Vs.

M/s. Operating Lease and Hire Purchase Company Limited
Rep. by Power of Attorney A.Hema Jothi
Registered Office at “Vairama” 112, Thyagaraya Road,
T.Nagar, Chennai – 600 017.

Presently having its registered Office at
No.10, R.Block, II Floor,
Prem Nagar Colony,
South Boag Road,
T.Nagar,
Chennai – 600 017.

... Respondent



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Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 15.07.2025 made in E.A.SR.No.1248 of 2025 in E.P.No.108 of 2019 (C.S.No.607 of 2008) on the file of the I Additional District & Sessions Judge, Tiruvallur.

For Petitioners : Mr.R.Thiagarajan

ORDER

The petitioners have challenged the docket order passed in E.A.SR.No.1248 of 2025 in E.P.No.108 of 2015 on the file of I Additional District and Sessions Court, Tiruvallur.

2. Heard Mr.R.Thiagarajan, learned counsel for the petitioners and gone through the records.

3. The revision petitioners suffered a decree in a suit for recovery of money. Thereafter, an application was filed questioning the executability of the decree under Section 47 of the Code of Civil Procedure. However, the Executing Court proceeded to decide the application on the issue of maintainability even at the stage of numbering



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itself. The revision petitioners are entitled to question the executability of the decree under Section 47 of CPC on all available grounds.

4. The Executing Court ought not to have delved into the merits of the claim put forth by the petitioners and ought not to have decided the application at the SR stage. It is settled position that, at the time of numbering, the Court performs only ministerial functions. The Court cannot conduct any roving enquiry or pass adjudicatory orders on the merits of the claims raised in the application at that stage.

5. In view of the above, and also taking note of the directions issued by this Court in the case of *Selvaraj and Others Vs. Koodankulam Nuclear Power Plant India Ltd.* reported in **2021 (4) CTC 539**, I am inclined to set aside the order dated 15.07.2025 and accordingly, the same is set aside.

6. Registry is directed to return the original application filed by the petitioners to the learned counsel appearing for the petitioners, after obtaining necessary acknowledgement, to enable the petitioners to re-present the same before the Executing Court. Upon such re-presentation,

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within a period of one week from the date of receipt of a copy of this order, the Executing Court shall number the application and dispose of the same on merits and in accordance with law, after affording an opportunity hearing to the revisions petitioners as well as the respondent/decreed holder.

7. Accordingly, this civil revision petition is allowed. Consequently, connected civil miscellaneous petition is closed. No Costs.

05.12.2025

Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non-Speaking Order
kv

To

The I Additional District & Sessions Judge, Tiruvallur.



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P.B.BALAJI, J.

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