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C.R.P.No.5660 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No.5660 of 2025 and CMP No.28308 of 2025

C.Natarajan (died)

1.N.Valliyathal
2.N.Umamaheshwaran

.... Petitioners

VS

M.P.Kaliappan (died)

1.Sarojini K.
2.Dhanalakshmi E
3.Amuthavalli
4.Chitradevi
5.Muthulakshmi
6.Punithavathy
7.Arumugaraj K.
8.Chandrasekaran

.... Respondents

Revision filed under Article 227 of the Constitution of India to set aside the docket order made in unnumbered E.A.SR No.5929 of 2025 in E.P.No.28 of 2021 in O.S.No.13 of 2003 dated 17.10.2025 passed by the I Additional District and Sessions Judge, Tiruppur.

For Petitioners: Mr.A.K.Sriram
Senior Counsel
For Mr.P.Muthukumaarasaamy



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ORDER

Heard Mr.A.K.Sriram, learned Senior Counsel for the petiitoners.

2. The limited ground on which the revision petition is filed is to entertain the application filed to defer the proceedings in the execution petition in view of the fact that the petitioners have already moved the appellate court challenging the decree to restore the appeal which is dismissed for non-prosecution.

3. I find the application filed has been returned only on the ground that the Hon'ble Supreme Court has directed the execution petitions to be disposed of within six months and therefore, the petition cannot be entertained.

4. 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 or suits at the stage of numbering. It is settled law that while numbering the civil suit, the Court will only perform a ministerial



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act and not a judicial function. The courts below were directed to number the same and dispose of the application in accordance with law.

5. In the present case, I find that the reason for returning the application is because the Hon'ble Supreme Court has directed that the execution petitions should be disposed of within six months. This is not a ground to return the application filed by the petitioners seeking stay/deferring the proceedings, pending disposal of the miscellaneous petitions in the first appeal.

6. In the light of the above, I am inclined to allow the revision directing the Executing Court to number EA SR No.5929 of 2025 in EP No.28 of 2021 in O.S.No.13 of 2003.

7. Registry shall return the said original application to the learned counsel for the petitioners by 17.11.2025, to enable the petitioners to represent the same and the Executing Court shall pass orders on the application on merits and in accordance with law after hearing the parties concerned.



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P.B.BALAJI.,J

sr

8. With the above direction, the civil revision petition is allowed.

14.11.2025

Index: Yes/No

Website:yes/no

Speaking Order/Non-speaking Order

sr

Note: Issue Order copy on 17.11.2025

To

The I Additional District and Sessions Court, Tiruppur

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