



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 6271 of 2025

and

CMP No. 31054 of 2025

The Tamil Nadu Sarvodaya Sangh
Rep. by its Secretary,
Gandhi Nagar, Avinashi Road,
Tiruppur Town, Tiruppur North Taluk,
Tiruppur District 641603.

Petitioner(s)

Vs

1.Thangapandian
2.Surya Prakash
3.N.Muthusamy
4.E.S.Palanivel Chinnasamy

Respondent(s)

PRAYER

Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the Petition Docket order dated 26.11.2025 in EA.SR.No.6048 of 2025 in EP.No.40 of 2025 in OS.No.88 of 2025 on the file of the II Additional District and Sessions Judge at Tiruppur.

For Petitioner(s): Mr.A.Swaminathan



ORDER

Mr.A.Swaminathan, learned counsel for the revision petitioner as third party filed an application in E.A.SR.No.6048 of 2025 in view of the Order XXI Rule 26 of the Code of Civil Procedure seeking stay of the execution proceedings pending disposal of the application filed under Order XXI Rule 97 of Code of Civil Procedure.

2. The grievance of the petitioner is that even without numbering the said application, the Trial Court has passed a judicial order, which is under challenge in the present revision petition.

3. This Court, in ***K.Selvaraj and Others vs. Koodankulam Nuclear Power Plant India Limited, through its Project Director, Koodankulam, Ramanathapuram Taluk, Tirunelveli District¹***, has issued detailed directions to the Trial Courts as well as the Executing Courts in the manner as to which the applications should be treated at the time of filing i.e., before numbering and how the Courts cannot conduct any roving inquiry and pass judicial orders without even entertaining the application in the first place.

4. In the present case as well, the petitioner has sought for stay of execution proceedings citing pendency of the application under Order XXI Rule

¹ 2021 (4) CTC 539



97 of CPC, which is akin to a separate and independent suit. Therefore, the Executing Court, while carrying out a ministerial function, ought not to have passed the judicial order.

5. Therefore, the order dated 26.11.2025 in EA.SR.No.6048 of 2025 in EP.No.40 of 2025 in OS.No.88 of 2025 is set aside and the Revision Petition stands allowed with a direction to the Executing Court to number the application and dispose of the same on merits after hearing both the parties. The original E.A. Shall be returned to the counsel for the petitioner within a week from the date of receipt of a copy of this order, on getting acknowledgment from the learned counsel for the petitioner to enable the counsel to represent before the Executing Court. Consequently, the connected Miscellaneous Petition is closed. No costs.

10-12-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

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To

The II Additional District and Sessions Judge at Tiruppur



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