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CRP No. 978 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2026

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THE HON'BLE MRS.JUSTICE N. MALA

CRP No. 978 of 2026

and

CMP No. 5258 of 2026

1. N.Srinivasan
S/o. Nithyanandha Swamy,
2. Jayalakshmi
W/o. N.Srinivasan,
(Both are at Door No.6/27, Krishna Garden,
Masakalipalayam Road, Upplipalayam Post,
Coimbatore-16)

..Petitioner(s)

Vs

1. M/s.Aquatex Engineering
Rep. by its Managing Partner of R.Kumaravelu,
Having its office at Thudiyalur,
Coimbatore-641 034.
2. M/s.Real Link Engineering India Pvt Ltd,
Rep. by its Managing Director
L.Navaneethakrishnan,
Having its office at No.4, Park Street, Katoor,
Coimbatore-641 009.
3. L.Navaneethakrishnan,
S/o. V.S.Lakshminarayanan,
Managing Director of M/s. Real Link
Engineering India Pvt Ltd,
Having its Office at No.4, Park Street, Katoor,
Coimbatore-641 009.

.Respondent(s)

Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the petition order dated 29.04.2025 made in the nature of rejection of the claim petition summarily in unnumbered Execution



Application filed in execution petition No. 194 of 2024 on the file of Commercial Court, District Judge, Coimbatore.

For Petitioner(s): Mr.S.Senthilnathan

For Respondent(s): Mr.R.Bharath Kumar
for R1

ORDER

This Civil Revision Petition is filed against the order dated 29.04.2025, rejecting the petitioners claim petition summarily, in unnumbered execution petition in E.P.No.194 of 2024.

2. The petitioners are third parties to the suit proceedings. Aggrieved by the inclusion of the property, measuring 2.97 acres of land, in the execution proceedings, filed for execution of the trial Court decree in C.O.S.No.110 of 2023 on 15.03.2024, the above Civil Revision Petition is filed.

3. The learned counsel appearing for the petitioners submitted that the summary dismissal of the interlocutory applications filed by the petitioners without even numbering it, is contrary to the law settled by this Court as well as Hon'ble Apex Court. The learned counsel submitted that the executing Court ought to have numbered the applications and posted the matter for maintainability, so that the petitioner's could have argued on maintainability. The learned counsel submitted that the procedure adopted by the learned Judge was in violation of the principles of natural justice.



4. I heard both the learned counsels and perused the materials placed on record.

5. The petitioners filed online petition under Order XXI Rule 58 of the Civil Procedure Code, seeking to stay the sale of scheduled mentioned properties in the execution petition, on the ground that the properties measuring to an extent of 2.97 acres in S.Nos.412/1B1A and 412/1B1B, were erroneously included.

6. The petition was originally returned on 15.04.2025 and the petitioners represented the papers on 24.04.2025. Thereafter on 29.04.2025, the learned Judge dismissed the petition, holding it to be not maintainable.

7. As rightly contended by the learned counsel for the petitioners, the order dismissing the petition as not maintainable ought to have been passed by a judicial order, by giving the petitioners an opportunity to make their submission on maintainability. The learned Judge has passed an administrative order rejecting the petitioner's petition as not maintainable. This Court observes that the proper course should have been to number the petition, list it for hearing on maintainability and thereafter pass a judicial order on merits. The procedure adopted by the learned Judge is not only erroneous, but also violative of the



principles of natural justice. This Court therefore finds merit in this Civil Revision Petition.

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8. Both the learned counsel submit that the execution proceedings are being conducted on a day to day basis and therefore, instead of waiting for the certified copy of the order, a direction may be issued to the learned Judge to comply with the directions of this Court, on the basis of the web copy of the order.

9. The District Judge, Commercial Court, Coimbatore is directed to number the petition, issue notice to both the parties, hear them and thereafter pass orders on merits, and in accordance with law, within a period of 6 weeks from the date of receipt of a copy of this order. The learned District Judge, Commercial Court, is directed to comply with the aforesaid directions, on the basis of the web copy of the order, without waiting for certified copy.

Accordingly, the order dated 29.04.2025 passed in unnumbered execution petition in E.P.No.194 of 2024 is set aside, this Civil Revision Petition is allowed with the aforesaid directions. No costs. Consequently connected miscellaneous petition is closed.

13-03-2026

Index: Yes/No

Neutral Citation: Yes/No

Internet: Yes

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To

The District Judge, Commercial Court, Coimbatore.

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N.MALA J.

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