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CRP No. 1715 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CRP No. 1715 of 2026

AND

CMP NO. 7876 OF 2026

J. Logeswaridas
D.No.226, 1st Floor,
Brough Road,
Erode 638 001.

..Petitioner(s)

Vs

1. Renu Sivakumar
W/o. Late. Sivakumar,
D.No.285, E.V.N. Road,
Erode 638 001.
2. S. Vinod
S/o. Late. Sivakumar,
D.No.285, EVN Road,
Erode 1.
3. S. Sudhir
S/o. late. Sivakumar,
D.No.285, EVN Road,
Erode 638 001.
4. P. Kolandasamy
S/o. Palanisamy,
Breez Tailor,
D.No.885, Kamarajar St,
Erode.

..Respondent(s)

CMP No. 7876 of 2026

J. Logeswaridas
D.No.226, 1st Floor,
Brough Road,
Erode 638 001.



..Appellant(s)

Vs

1. Renu Sivakumar
W/o. Late. Sivakumar,
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4. P. Kolandasamy
S/o. Palanisamy,
Breez Tailor,
D.No.885, Kamarajar St,
Erode.

..Respondent(s)

CRP No. 1715 of 2026

To set aside Docket Order dated 09.03.2026 in Unnumbered EA Sr.No.1615 of 2026 in EP No.7 of 2025 in RCOP No.5 of 2014 on the file of Principal District Munsif, Erode.

CMP No. 7876 of 2026

To stay all further proceedings in EP No.7 of 2025 in RCOP No.5 of 2014 on the file of Principal District Munsif, Erode pending disposal of the CRP.

CRP No. 1715 of 2026

For Petitioner(s):

Mr.R.Subramanian for
Balasubramanian Ravi Iyer
S.S. Raghavan
R. Vivekanandan
M. Sivachamandeeswari



For Respondent(s): Erode

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Order

- (1) This petition is filed against the docket order daetd 09.03.2026, passed in unnumbered EA.SR.No.1615/2026 in EP.No.7/2025 in RCOP.No.5/2014, on the file of the learned Principal District Munsif, Erode, for a direction to number the application as expeditiously as possible.
- (2) The respondents 1 to 3 herein filed suits in OS.Nos.42/2007 and 17/2007, before the learned II Additional Sub Judge, Erode, for declaration of title, possession and for permanent injunction in respect of Door No.264, Kamarajar Street, Brough Road, Erode. The suits were decreed on 12.06.2018 and the same was confirmed in AS.Nos.154 and 155/2018 on 26.08.2019. The Second Appeal preferred by the petitioner herein, was also dismissed on 14.09.2021 and thereafter, the petitioner filed SLP.Nos.18150 and 18151/2021. In the said Special Leave Petitions, the Hon'ble Supreme Court, by order dated 20.10.2022, ordered status quo existing as on date. The petitioner further states that the respondents 1 to 3 obtained eviction order against the 4th respondent on 16.10.2015 in RCOP.No.5/2014 and pursuant thereto, the respondents 1 to 3 filed REP.No.7/2025, wherein delivery was ordered on 11.03.2026. The petitioner states that on coming to know of the order in REP.No.7/2025,



he filed two applications before the Execution Court for reopening the case and for recording obstruction in EP, till the disposal of SLP.Nos.18150 and 18151/2023. The Court concerned returned the applications and therefore aggrieved by such return, the petitioner has filed the above CRP with the aforesaid prayer.

- (3) The learned counsel for the petitioner, relying on the judgment of the Hon'ble Supreme Court of India reported in **2019 [9] SCC 154 [P.Surendran Vs. State by Inspector of Police]** and the judgment of this Court reported in **2021 [3] LW 677 [Selvaraj and Others. vs. Koodankulam Nuclear Power Plant India Limited]**, submitted that the act of numbering a petition was purely administrative one. The learned counsel submitted that the maintainability of the petition under Order 21 Rule 97 of CPC read with Section 151 of CPC, was a matter to be decided on the judicial side by applying the judicial mind of the Court and therefore, the procedure adopted by the Court below is erroneous and unsustainable and deserved to be set aside.
- (4) Heard the learned counsel for the petitioner and perused the materials placed on record.
- (5) Since the respondents would not be adversely affected by the order to be passed herein, the Civil Revision Petition is disposed of without notice to the respondents.



- (6) The Hon'ble Supreme Court, in the case of ***P.Surendran Vs. State by Inspector of Police*** reported in ***2019 [9] SCC 154***, held in paragraphs No.10 and 11 as follows:-

“10.The act of numbering a petition is purely administrative. The objections taken by the Madras High Court Registry on the aspect of maintainability requires judicial application of mind by utilizing appropriate judicial standard. Moreover, the wordings of Section 18-A of the SC/ST Act itself indicate at application of judicial mind. In this context, we accept the statement of the Attorney General, that the determination in this case is a judicial function and the High Court Registry could not have rejected the numbering.

11.Therefore, we hold that the High Court Registry could not have exercised such judicial power to answer the maintainability of the petition, when the same was in the realm of the Court. As the power of judicial function cannot be delegated to the Registry, we cannot sustain the order, rejecting the numbering/registration of the petition by the Madras High Court Registry. Accordingly, the Madras High Court Registry is directed to number the petition and place it before an appropriate Bench.”

- (7) So also, a learned Judge of this Court, in ***Selvaraj and Others. vs. Koodankulam Nuclear Power Plant India Limited [referred to above]***, while considering the rejection of a plaint even without numbering the same, held that it was not the duty of the Court to wear the cap of the defendant and look at the plaint in an adversarial manner as if it is



stepping into the fight of litigation. The learned Judge further held that the role of the Court was that of an Arbitrator and that, it cannot exceed that limitation. The learned Judge specifically held that the question of maintainability or otherwise could be considered only after the plaint was numbered and summons were served to the defendant.

- (8) The aforesaid decisions squarely apply to the facts of the present case. The Executing Court returned the petitioner's petition filed under Order 21 Rule 97 of CPC read with Section 151 of CPC, even without numbering it on the premise that the petitioner was a third party to the execution proceedings. The Executing Court by returning the petitioner's petition, even before numbering it, has donned the robes of the respondent which is impermissible. As laid down in the aforesaid judgments, the Executing Court is bound to number the petition, afford an opportunity to the petitioner as well as the respondents to contest the issue of maintainability and thereafter pass judicial order either allowing or rejecting the petition.
- (9) This Court is hence of the view that the order dated 09.03.2026 passed in unnumbered EASR.No.1615/2026 in EP.No.7/2025 in RCOP.No.5/2014, cannot be sustained and the same deserves to be set aside.
- (10) Accordingly, the Civil Revision Petition is **allowed** and the order dated 09.03.2026 passed in unnumbered EASR.No.1615/2026 in EP.No.7/2025



in RCOP.No.5/2014, is set aside. The Registry of the Court of Principal District Munsif, is directed to number the petition and post the same before the learned Principal District Munsif, Erode, who shall, after giving notice to both parties, shall consider and dispose of the same on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

- (11) The Registry is directed to return the original documents to the learned counsel for the petitioner, on verification. No costs. Consequently, connected miscellaneous petition is closed.

24-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

NOTE: Issue order copy on 25.03.2026 [tomorrow]

AP

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N.MALA J.

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