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*Civil Revision Petition No.2610 of 2026*

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 27.04.2026

CORAM

**THE HONOURABLE MRS JUSTICE N. MALA**

Civil Revision Petition No. 2610 of 2026

and

Civil Miscellaneous Petition No. 11009 of 2026

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Kasilingam

...Petitioner

Versus

Seeranga Gounder (Died)

1.Saraswathi

W/o.Late.Natesan

2.Chitra

D/o.Late.Natesan

3.Kala

D/o.Late.Natesan

4.Pravy Sankar

S/o.Late.Natesan

Respondents 1 to 4 are residing  
at Kamakkapalayam Village and Post  
Thalaivasal Taluk, Salem District.

5.Vasanthi

W/o.Ramasamy

residing at No.291, Eldams Road, Annasalai,  
Teynampet, Chennai – 600 018.

..Respondents 1 to 5/  
Respondents 1 to 5/  
Judgment Debtors 2 to 5

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6.Sentottaiyan  
S/o.Muthu Goundar  
residing at Kullappanaickenpatty Village  
Namakkal Taluk and District.

Respondent No.6/Respondent No.6/  
Decree Holder/Plaintiff

**Prayer:** Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the docket order dated April 8, 2026 passed in R.E.A.S.R.No. 3468 of 2026 in R.E.P.No. 99 of 2025 on the file of Subordinate Judge, Attur in O.S.No.816 of 1984 and to direct the Subordinate Judge, Attur, to take the R.E.A.S.R.No.3468 of 2026 on file and dispose the same on merits in accordance with law.

For Petitioner : Ms.R.Slakshmi Priya Darshini

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### **ORDER**

This Civil Revision Petition has been filed seeking to set aside the docket order dated April 8, 2026 passed in R.E.A.S.R.No.3468 of 2026 in R.E.P.No.99 of 2025 on the file of Subordinate Judge, Attur, made in O.S.No.816 of 1984 and for consequential direction to the Subordinate Judge, Attur, to take the R.E.A.S.R.No.3468 of 2026 on file and dispose the same on merits in accordance with law.



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2.Since no adverse orders are passed against the respondent, notice is dispensed with to them.

3.The learned Counsel for the revision petitioner submitted that the application in R.E.A.Sr.No.3468 of 2026, was filed by the revision petitioner under Order XXI Rule 26 of the Code of Civil Procedure 1908, in respect of “D” schedule mentioned properties in Survey No.42/3 measuring an extent of 0.12 cents and Survey No.42/9 measuring an extent of 0.37 cents. The learned Counsel submitted that even without numbering the application and affording an opportunity to the revision petitioner to argue on the “maintainability” of the application, the Executing Court returned the same as not maintainable. The learned Counsel submitted that the Executing Court ought to have numbered the Execution Application and if it entertained any doubt on the maintainability of the Execution Application, it ought to have listed the matter for hearing on maintainability of the petition. The Counsel submitted that the procedure adopted by the lower Court was against the judgment of the Hon’ble Supreme Court in 2019 (9) SCC 154 and therefore, prayed that the impugned docket order dated 08.04.2026 be set aside.



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4. Heard the learned Counsel for the revision petitioner and perused the materials placed on record.

5. This Court finds force in the submission of the learned Counsel for the petitioner. The Hon'ble Supreme Court, in the case of P.Surendran Vs.State [2019 (9) SCC 154], categorically laid down the law that the Registry cannot decide the maintainability of the petition by ministerial function. The issue of maintainability of the petition is in the realm of the Court and therefore, it has to be decided by judicial order.

6. In the light of the judgment of the Apex Court, this Court is inclined to pass the following directions:-

(a) The petitioner is directed to represent the unnumbered EA in R.E.A.SR.No.3468 of 2026 in R.E.P.No.99 of 2025 in O.S.No.816 of 1984 on the file of Subordinate Judge, Attur, on 30.04.2026.

(b) Upon receipt of the aforesaid petition, the Registry of the Court below shall number the unnumbered EA in R.E.A.SR.No.3468 of 2026 and list it before the learned Subordinate Judge, Attur, for maintainability.



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(c) The learned Subordinate Judge, Attur, after giving notice to the petitioner and the respondents' Counsel, afford an opportunity of hearing to both Counsels, and shall pass orders on merits and in accordance with law within a period of three weeks from the date of receipt of the R.E.A.SR.No.3468 of 2026 on 30.04.2026.

(d)It is made clear that till the maintainability of R.E.A.SR.No.3468 of 2026 is decided within the time stipulated above or earlier, learned Subordinate Judge, Attur, shall not proceed with the Execution Proceedings in R.E.P.No.99 of 2025 in O.S.No. 816 of 1984.”

7.The Civil Revision Petition is accordingly, allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.



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8.The Registry is directed to return the original unnumbered R.E.A.SR.No.3468 of 2026 to the learned Counsel for the petitioner on proper verification forthwith.

9.The learned Counsel for the petitioner is permitted to represent the unnumbered R.E.A.SR.No.3468 of 2026 before the Court below, on the basis of the web copy of this order.

**27.04.2026**

Index : Yes/No

Speaking/Non-Speaking order

Neutral Citation : Yes/No

MSM

To

1.The Subordinate Judge, Attur.

2.The Section Officer, V.R.Section, High Court of Madras.



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**N. MALA, J.,**

MSM

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