

WEB COPY

CRP No. 842 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CRP No. 842 of 2026

AND

CMP NO. 4580 OF 2026

K. Senthilnathan
S/o. Mr.E.Kannan,
Having Medical Shop
No.11/2, Jawaharlal Nehru Inner Ring Road,
Anjugam Nagar,
Jafferkhanpet,
Chennai-600 083.

..Petitioner(s)

Vs

1. T. Paunamma
W/o. Late Thanikachalam,
No.11, Jawaharlal Nehru Inner Ring Road,
Anjugam Nagar, Jafferkhanpet,
Chennai-600 083.
2. T.Mohanasundari
D/o. Late Thanikachalam,
Res. at No. 11, Jawaharlal Nehru Inner Ring
Road,
First Floor, Anjugam Nagar, Jafferkhanpet,
Chennai-83.
3. Sai Prasad
S/o. Late Thanikachalam,
Res. at No. 11, Jawaharlal Nehru Inner Ring
Road,
First Floor, Anjugam Nagar, Jafferkhanpet,
Chennai-83.

..Respondent(s)

CMP No. 4580 of 2026

K. Senthilnathan
S/o. Mr.E.Kannan,



Having Medical Shop
No.11/2, Jawaharlal Nehru Inner Ring Road,
Anjugam Nagar,
Jafferkhanpet,
Chennai-600 083.

..Appellant(s)

Vs

1. T. Paunamma
W/o. Late Thanikachalam,
No.11, Jawaharlal Nehru Inner Ring Road,
Anjugam Nagar, Jafferkhanpet,
Chennai-600 083.
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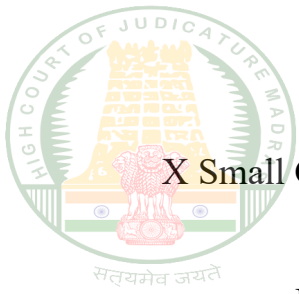
..Respondent(s)

CRP No. 842 of 2026

To set aside the impugned order dated 02.12.2025 passed in EA SR.No. 4429 of 2025 (Return Order dated 02.12.2025) in EP No. 1017 of 2025 in RLTOP No. 142 of 2021 by the Learned X Small Causes Court, Chennai and allow the above CRP.

CMP No. 4580 of 2026

To grant interim stay of all further proceedings the impugned order dated 02.12.2025 passed in EA SR.No. 4429 of 2025 (Return Order dated 02.12.2025) in EP No. 1017 of 2025 in RLTOP No. 142 of 2021 by the Learned



X Small Causes Court, Chennai pending disposal of the above CRP.

CRP No. 842 of 2026

For Petitioner(s): M/S. T.Sivagnanasambandan

For Respondent(s): Mr.R.Ganesh Kumar
for R1 to R3

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Order

This Civil Revision petition has been filed challenging the rejection of EA SR No.4429 of 2025 by order dated 02.12.2025, as not maintainable.

2. The petitioner, is a tenant running a medical shop in the respondent's premises. The respondent/landlord filed R.C.O.P No.525 of 2018 on the file of the XIV Small Causes Court, Chennai, for eviction and the same was allowed. The petitioner filed an appeal against the R.C.O.P order and the same was dismissed. Thereafter, the petitioner preferred a Civil Revision Petition along with a condone delay petition and the same is pending. Meanwhile, the respondent filed Execution Proceedings and in the said EP, the petitioner filed EA SR No.442925 of 2025 under Section 47 of CPC. However, the said EP SR was returned as not maintainable and therefore, the petitioner has filed the present Civil Revision petition.

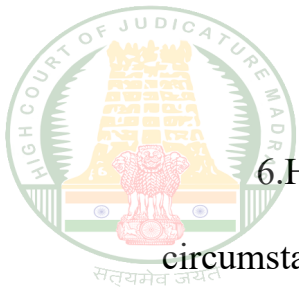
3. The learned counsel for the petitioner submitted that the X Small Causes Court, Chennai, returned the execution application as not maintainable



even without numbering it. The learned counsel submitted that the procedure adopted by the Trial Court was against the dictum laid down in the order of the Hon'ble Supreme Court in ***[P.Surendran Vs. The State, Rep. By its Inspector of Police] reported in 2019 [9] SCC 154***. Accordingly, the learned counsel prayed that the Civil Revision Petition may be allowed with appropriate direction to the Trial Court.

4. Heard the learned counsel for the petitioner and perused the materials available 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 by Inspector of Police***, reported in ***(2019) 9 SCC 154***, laid down the proper procedure to be adopted by the Court while considering the issue of maintainability of a petition. The Hon'ble Supreme Court categorically laid down the law that the Registry cannot decide the maintainability of the petition by ministerial function and that since the issue of maintainability of the petition is in the realm of the court, it has to be decided only by a judicial order. In view of the aforesaid judgment of the Hon'ble Supreme Court, this Court finds that the procedure adopted by the Executing Court is illegal and untenable.



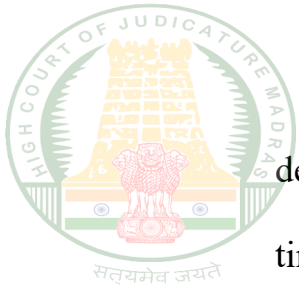
6. Hence, this Court finds merit in the Civil Revision Petition. Under the circumstances, this Court is inclined to allow the CRP with following directions:-

(a) The petitioner is directed to represent the unnumbered EA in E.A.Sr.No.4429 of 2025 in EP.No.1017/2025 in RLTOP.No.142/2021, on the file of the X Small Causes Court, Chennai, on or before 05.06.2026.

(b) Upon such representation of the aforesaid petition, the Registry of the Court below shall number the unnumbered EA in E.A.Sr.No.4429 of 2025 and list it before the learned X Judge, Court of Small Causes, Chennai, for maintainability.

(c) The learned X Judge, Court of Small Causes, Chennai, shall issue notice of hearing to the petitioner as well as the respondents' Counsels, afford an opportunity of hearing to both Counsels, and thereafter, shall pass orders on merits and in accordance with law, within a period of three weeks from the date of representation of E.A.SR.No.4429 of 2025.

(d) The Registry of the X Small Causes Court is directed to furnish a physical copy of the petition to the petitioner to enable him to represent the petition. The Executing Court shall not proceed further with the execution proceedings until a final



decision is taken on the maintainability of the petition within the time and manner stipulated by this Court.

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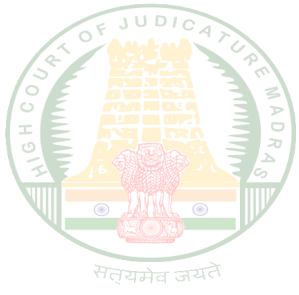
No costs. Consequently, the connected miscellaneous petition is closed.

24-04-2026

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

RKA/AP

To
The X Judge, Small Causes Court, Chennai.



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N.MALA J.

RKA/AP

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