



C.R.P.No.1138 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated: 03.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**C.R.P.No.1138 of 2025
and
CMP.No.6702 of 2025**

Dinesh.D

... Petitioner

Vs.

P.Janarthna Rao (died)

1. Shantha
2. Ravi Shankar
3. Padmaja
4. Backiyalakshmi
5. Krishnan
6. Ramesh
7. Sudhakar
8. Kantha
9. Elumalai
10. Siva
11. Vijaya
12. Radha

... Respondents

Prayer:- Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to number the petition in E.A.SR.No.6760 of 2025 in E.P.No.175 of 1991 in Ejectment Suit No.44 of 1989, on the file of Small Causes Court, Chennai and allow this revision petition.



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For Petitioner : Mr.Mutharasi
for Mr.R.Rajesh Vivekananthan

For Respondents : Dr.P.Vasudevan
for Mr.V.Chinnasamy (for R1 to R3)
No appearance (for R4 & R5)
R6 to R12 Dispensed with

ORDER

This Civil Revision Petition has been filed seeking a direction to number the petition in E.A.SR.No.6760 of 2025 in E.P.No.175 of 1991 in Ejectment Suit No.44 of 1989, on the file of the learned Small Causes Court, Chennai.

2.Heard Mr.Mutharasu, learned counsel for the petitioner and Mr.P.Vasudevan, learned counsel for the respondents 1 to 3/decreed holders.

3.Mr.Mutharasu, learned counsel for the petitioner, would submit that Sri Sakthi Vinayagar Temple is situated in the property which forms the subject matter of the Execution Petition and without even noting the alleged obstruction or the existence of the Temple, the Bailiff had

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proceeded to take forcible possession and hand over the property to the decree holders. Drawing the attention of this Court to the affidavit filed in support of the application before the Executing Court, the learned counsel would contend that several worshippers in the locality have been visiting the said Temple and on account of the high-handed action of the Bailiff, the rights of the devotees have been seriously prejudiced. He would further submit that the petitioner, being the Secretary of the said Temple, is entitled to seek an order for removal of the seal and reopening of the Temple, which was effected on 21.03.2025 in E.P.No.175 of 1991.

4.Per contra, Dr.P.Vasudevan, learned counsel for the respondents 1 to 3/decreed holders, would submit that the present petitioner has been set up by the earlier obstructors, who had lost up to the Hon'ble Supreme Court, and that the present attempt is only to protract the proceedings and delay the inevitable. He would place reliance upon the order of this Court in C.R.P.No.4378 of 2024 dated 06.12.2024, wherein a similar revision at the instance of the obstructors was dismissed, holding that one attempt or the other was being made to prevent the decree holders from enjoying the fruits of the decree.



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5. Notice to the obstructors/respondents 6 to 12 is dispensed with,

as they are not necessary parties to the present revision. The decree holders, viz., the respondents 1 to 3, who have stepped into the shoes of one P. Janardhana Rao, are proper and necessary parties.

6. I find that the Execution Petition was terminated by the Registrar of the Small Causes Court on 12.02.2025 recording that no obstruction was noted in the Bailiff's report and consequently the E.P. stood terminated. The remedy available to an aggrieved third party is under Order XXI Rule 99 of CPC, where a person complaining of dispossession by the decree holder is entitled to make an application complaining of such dispossession and any such application shall be enquired into and adjudicated upon in accordance with the provisions of Order XXI, more particularly Rules 100 and 101 of CPC. The prayer sought for in the miscellaneous petition in E.A.SR.No.6760 of 2025 is not in the nature of an application under Order XXI Rule 99 of CPC.

7. In the light of the above, the petitioner cannot be shut out from availing the remedy otherwise available to him under Order XXI Rule 99 of CPC. Insofar as the contention of the learned counsel for the



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respondents 1 to 3 that the existence of the Temple has already been taken note of by this Court in the order dated 06.12.2024 is concerned, a perusal of the said order in C.R.P.No.4378 of 2024 would show that only the contention of the obstructors regarding the existence of a Sakthi Vinayagar Temple was recorded and no adjudication was rendered with regard to the alleged rights of the Temple. The said revision was disposed of only in respect of the claims of the obstructors and had nothing to do with the present Temple or its office bearers, who now claim to be forcibly dispossessed.

8.In view of the above, while confirming the order passed in E.A.SR.No.6760 of 2025 in E.P.No.175 of 1991 in Ejectment Suit No.44 of 1989, liberty is granted to the petitioner to file an application, if so advised, under Order XXI Rule 99 of CPC and any such application, if filed, shall be dealt with on merits and in accordance with law, expeditiously, preferably within a period of three months.



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9.In the result, this Civil Revision Petition stands dismissed with the above directions. Consequently, the connected Miscellaneous Petition is closed. No costs.

03.02.2026

Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non-Speaking Order
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To

The Small Causes Court, Chennai.



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P.B.BALAJI, J.

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