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CRP No.3140 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 03.08.2026

Delivered on : 07.08.2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

CRP No.3140 of 2026 and

CMP No.13722 of 2026

C.Jayaraman, S/o K.Chinnasamy Mudaliyar

... Petitioner

Vs.

1. A.D.Srinivasan, S/o a.V.Dayasekaran

2. Ammani Ammal, W/o M.Lakshminarayanan Chetty.

3. A.D.Vijayagaghavan, S/o A.V.Dayasekaran

4. Suganya, D/o A.V.Dayasekaran

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 27.04.2026 passed by the Registrar, Court of Small Causes, Chennai in E.a.No.9 of 2015 in E.P.No.302 of 2013 in Ejectment Suit No.6 of 1987 and consequently restore the above E.P.No.302 of 2013 back to the file of the Registrar Court, Small Causes, Chennai.

For Petitioner(s):

Mr.PL.Narayanan, Senior Counsel
for Mr.E.Hariharan

For Respondent(s):

Mr.Jagannadha Rao
for Mr.K.Umesh Rao for r R1
Mr.J.Ram and
M.B.Vaiyavi @ K.Vaiyavi for R4
R2- Exparte
No appearance for R3.

ORDER



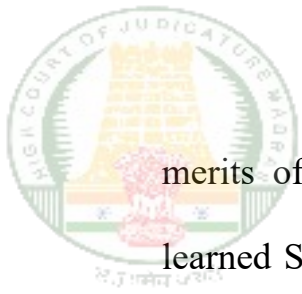
The decree holder in E.P.No.302 of 2013, aggrieved by the executing court's order, allowing the Section 47 application filed in E.A.No.9 of 2015, has filed the present civil revision petition.

2. The petitioner herein/plaintiff filed an Ejectment Suit No.6 of 1987 against the defendants/ including the respondents herein and the same was decreed exparte on 28.10.2005. Subsequently, the petitioner/plaintiff filed E.P.No.302 of 2013 to execute the decree, wherein, the respondents herein filed E.A.No. 9 of 2015 seeking stay of all further proceedings in the execution proceedings, pending disposal of the application. The execution court allowed the said application and the same is impugned herein.

3. I have heard Mr.P.L.Narayanan, learned Senior Counsel for Mr.E.Hariharan, counsel for the petitioner and Mr.K.Umesh Rao, learned counsel for the 1st respondent and Mr.J.Ram, learned counsel for the 4th respondent.

4. The 2nd respondent remained exparte and the 3rd respondent, on whom, service of notice in this civil revision petition has returned with an endorsement “ unclaimed” and since it is deemed to be proper service, 3rd respondent is set exparte.

5. Though elaborate submissions were made on either side touching the



merits of the order passed in the Section 47 application, Mr.PL.Narayanan, learned Senior Counsel suggested that the matter may be remanded to the trial court, even setting aside the decree passed in the ejectment suit itself, so that the parties can agitate all their claims and contentions in the suit. Mr.PL.Narayanan, learned Senior Counsel further states that the ejectment suit was filed way back in the year 1987 and for 40 long years, the petitioner has not been able to recover possession of his property, despite the judgment debtor Dayasekaran also passing away in the interregnum period. Learned Senior Counsel therefore prays for suitable directions to the IV Judge, Small Causes Court, to expedite hearing and dispose of the suit on or before a specified date.

6. Mr.K.Umesh Rao, and Mr.J.Ram, appearing for the 1st and 4th respondent respectively, namely brother and sister and also legal representatives of the deceased Dayasekaran would contend that the Section 47 application was rightly allowed, holding that the court did not have jurisdiction to try the suit in the first place. Therefore, they would state that in the event of the matter being remanded, after setting aside the exparte decree, the order in this civil revision petition should not come in their way to advance all legal and factual submissions before the trial court. They would also seek for liberty to file a counter statement, since none has been filed before ejectment suit came to be decreed exparte.

7. I have carefully considered the submissions advanced on either side. In



so far as the 2nd respondent, namely Ammani Ammal is concerned, it is made clear that the said Ammani Ammal having already transferred her interest in favour of Dayasekaran, under whom, the 2nd and 4th respondents contested the claim, there is no requirement to serve said Ammani Ammal, since she has no subsisting interest in the subject property. Notice to the 2nd respondent is therefore dispensed with, post the remand order in this revision petition. As far as the 3rd respondent is concerned, though the 3rd respondent has not chosen to appear before this court and service on the 3rd respondent was returned with an endorsement “ unclaimed”, he being a son and Class-I legal heir of Dayasekaran, the 3rd respondent will also have to be put on notice.

8. The learned counsel appearing for the 1st and 4th respondents undertake that they would furnish the present correct address of the 3rd respondent to the counsel for the petitioner to enable notice being sent to the present address of the 3rd respondent.

9. In the light of the above, this civil revision petition is disposed of in the following manner:-

i) The order in E.A.No.9 of 2015 in E.P.No.302 of 2013, dated 27.04.2026 is set aside.

ii) The judgment and decree passed in the Ejectment Suit No.6 of 1987



dated 28.10.2005 is also set aside.

iii) The civil revision petitioner shall take notice to the 3rd respondent to the correct address to be furnished by the 1st and 4th respondents, within a week from the date of receipt of copy of this order, returnable by 27.08.2026, on which date, the ejectment suit shall be reopened and called for hearing before the IV Small Causes Court, Chennai.

v) In the event of the 3rd respondent not appearing, despite the notice sent by the petitioner to the correct address, as provided by his brother and sister, namely 1st and 4th respondent respectively, then, the Trial Court shall proceed with the suit, notwithstanding the non appearance of the 3rd respondent, since the estate of A.V.Dayasekaran is sufficiently represented by his legal representatives. In fact, it is also brought to my notice that, it is only the 1st and 4th respondents, who are in actual physical possession of the petition premises.

vi) The respondents shall be at liberty to file a counter statement to the ejectment suit, within a period of two weeks from 27.08.2026, i.e., on or before 10.09.2026.

vii) On such counter statement being filed, if any, the IV Judge, Small Causes Court, shall conduct summary trial after giving fair opportunity to both the parties to lead oral and documentary evidence and shall endeavour to dispose of the suit on or before 31.01.2027.

viii) The IV Judge, Small Causes Court shall not be influenced or



prejudiced by any of the observations that may have been made either in the Section 47 application order or this order.

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ix) The ejectment suit shall be disposed of on merits and in accordance with law and it shall be open to both the parties to canvas all their claims and defences before the Trial Court.

x) Both the learned Senior Counsel appearing for the petitioner as well as the counsel appearing for the respondents, bring to my notice that a portion of the records are not available before the court of Small Causes, including the Registry. Hence, it is directed that both the petitioner as well as the respondents are at liberty to produce true copies of whatever documents that may be in their respective possession, to enable the Trial Court to proceed with the enquiry and dispose of the ejectment suit, as directed herein above.

xi) The parties shall cooperate with the trial court and for expeditious disposal of the suit, considering the fact that the suit is of the year 1987.

xii) The Registry shall transmit the original records which may be available on its file to the IV Judge, Small Causes Court, Chennai, forthwith. There shall be no order as to costs. Connected miscellaneous petition is closed.

07-08-2026

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

1. The IV Judge, Court of Small Causes, Chennai.
2. The Registrar Court, Small Causes, Chennai.



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P.B.BALAJI, J.

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**Pre-delivery order in
CRP No.3140 of 2026**

07.08.2026