



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

**CMP Nos. 14354 of 2023 and 14396 & 14399 of 2026
in SA Sr.No.27168 of 2007**

CMP No.14354 of 2023

Arulmigu Muppillaimamman Deity
Arulmigu Muppillaiamman Devasthanam, Rep. by
its Fit Person and Executive Officer, Villivakkam,
Chennai 600 049.

..Petitioner(s)

Vs

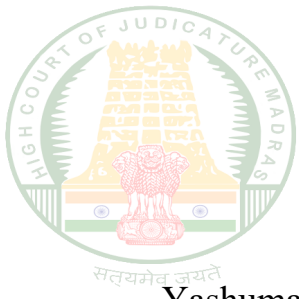
1. M.S.Ramachandran (died)
2. D.Vasanthi
3. Vaijayanthimala
4. C.R.Krishnakumari
5. D.Jayalalitha
6. M.E.Santha Rajan
7. T.Thara
8. M.E.Kishore
9. M.E.Chitra
- 10.M.E.Sridharan

(RR2 to 10 given up recorded vide court order
dated 16/03/2026 made in CMP No.14354 of
2023 in SA.SR.No.27168 of 2007 passed by
SSJ)

- 11.M.R.Sivakumar

(R11 is brought on record as legal heir of the
deceased first respondent vide court order dated
23/04/2025 made in CMP.Nos.8508 and 8512
of 2025 in CMP.No.14354 of 2023 in
SA.Sr.No.27168 of 2007 passed by TVTSJ)

..Respondent(s)



CMP Nos. 14396 & 14399 of 2026

Yashumati Doshi

..Petitioner in
CMP.No.14396 of 2026

Doshi Developers and Builders Pvt. Ltd.,
Rep. by Mehul.H.Doshi, Director

..Petitioner in
CMP.No.14399 of 2026

Vs

1.Arulmigu Muppillaimamman Deity
Arulmigu Muppillaiamman Devasthanam,
Rep., by its Fit Person and Executive Officer,
Villivakkam, Chennai 600 049.

2.M.S.Ramachandran (died)

3.D.Vasanthi

4.Vaijayanthimala

5.C.R.Krishnakumari

6.D.Jayalalitha

7.M.E.Santha Rajan

8.T.Thara

9.M.E.Kishore

10.M.E.Chitra

11.M.E.Sridharan

(RR3 to 11 given up recorded vide court order
dated 16/03/2026 made in CMP No.14354 of 2023
in SA.SR.No.27168 of 2007 passed by SSJ)

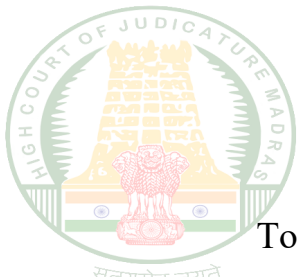
12.M.R.Sivakumar

(R12 is brought on record as legal heir of the
deceased first respondent vide court order dated
23/04/2025 made in CMP.Nos.8508 and 8512 of
2025 in CMP.No.14354 of 2023 in
SA.Sr.No.27168 of 2007 passed by TVTSJ)

..Respondents in both

CMP No. 14354 of 2023

To restore to file M.P.No.2 of 2009 in SA.Sr.No.27168 of 2007 which
was dismissed for default on 10.12.2012, hear the matter on merits.



CMP No. 14399 of 2026

To implead Doshi Developers and Builders Private Limited as respondent in CMP.No.14354 of 2023 in SA.Sr.No.27168 of 2007.

CMP No. 14396 of 2026

To implead Yashumathi Doshi as respondent in CMP.No.14354 of 2023 in SA.Sr.No.27168 of 2007.

CMP No. 14354 of 2023

For Petitioner(s): Mr.A.K.Sri Ram, Senior Counsel
for Mr.V.Srikanth

For Respondent(s): Mr.T.R.Rajagopalan, Senior Counsel
for Mr.V.Vidyesh for R11

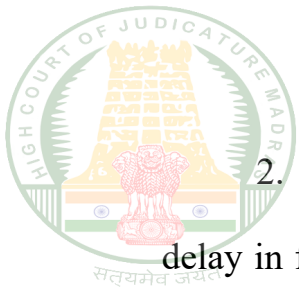
CMP Nos.14396 & 14399 of 2026

For Petitioner(s): Mr.T.R.Rajagopalan, Senior Counsel
for Mr.V.Vidyesh

For Respondent(s): Mr.A.K.Sri Ram, Senior Counsel
for Mr.V.Srikanth for R1

Common Order

This is a case of the appellant jumping through hoops for nothing. The temple is the appellant. It had filed an application to condone the delay in filing the appeal, despite the fact the appeal was in time. After filing the application in MP.No.2 of 2009, it did not take steps to serve the same on the respondents. After waiting for two years, this Court, by an order dated 10.12.2012, dismissed the application to condone the delay in filing the appeal for default.



2. Thereafter, the appellant filed two applications, one to condone the delay in filing the application to restore the petition, which had been dismissed for default and another to restore the petition which had been dismissed for default. The condone delay petition was numbered as M.P.No.1 of 2013. The application was kept pending for a period of 10 years. The delay of 13 days in filing the application to restore MP No.2 of 2009 came to be condoned on 15.06.2023. Thereafter, the application to restore the application filed to condone the delay came to be numbered in CMP No.14354 of 2023. Notice had been ordered in the said application.

3. It was at that stage that the counsel appearing for the appellant brought it to the notice of this Court that the main condone delay application in MP No.2 of 2009 itself had been erroneously filed. This is because the judgment and decree of the lower appellate Court had been passed on 29.09.2006 and the appeal had been filed in April 2009.

4. The confusion arose since the Registry of City Civil Court, while giving the date of pronouncement of the judgment had mentioned it correctly in the certified copy of the judgment, but in the decree, it was typed as 29.09.2005. No steps had been taken to correct the date before the lower Appellate Court. The Registry of this Court took the date as given in the decree as correct and called upon the petitioner to file an application to condone the delay.

5. Even at that stage, the Executive Officer of the temple did not bring to the notice of this Court that the judgment had been pronounced on



29.09.2006 and not on 29.09.2005 as stated in the decree. Instead, in compliance with the requirement of the Registry of this Court, an application was filed to condone the delay, which as pointed out earlier, was numbered as MP.No.2 of 2019. The result of the petition has already been recorded above. All these facts came to the notice of this Court only in the year 2023. In other words, the parties have been litigating on an application which was absolutely unnecessary for nearly 2 decades. The petition to condone the delay had been dismissed and such an unnecessary application was also restored in the year 2023. Both the parties have been putting up an excellent dog and pony show.

6. It is the plea of Mr.A.K.Sriram, that as the application to condone the delay itself is unnecessary, the Registry may be directed to number the appeal. He faces the difficulty here.

7. Mr.T.R.Rajagopalan had pointed out that on the date of filing the appeal, the first respondent, Thiru.M.S.Ramachandran was alive but he passed away in the year 2013. No steps have been taken to bring on record the legal representatives of M.S.Ramachandran in the appeal. The temple, however, filed an application to bring on record the legal representatives of M.S.Ramachandran in C.M.P.No.14354 of 2023. These two applications in CMP.Nos.8508 and 8512 of 2025 came to be ordered by this Court on 23.04.2025. Mr.M.R.Sivakumar, S/o.M.S.Ramachandran has now been impleaded as a party as the 11th respondent in C.M.P.No.14354 of 2023 unless he is brought on record in the appeal, the Registry cannot number the appeal.

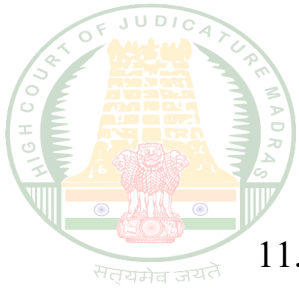


8. It is the plea of Mr.A.K.Sriram that he has already been brought on record in the said CMP and it will enure to the benefit of the appellant in the appeal.

9. I do not think this submission is correct. C.M.P.Nos.8508 and 8512 of 2025 had been filed in CMP.No.14354 of 2023, which itself was filed in M.P.No.2 of 2009. M.P.No.2 of 2019 as pointed out above, itself is unnecessary. The orders passed in those proceedings will not enure to the benefit of the appellant.

10. In view of the aforesaid discussion, the result is as follows:

- (i) As the appeal has been filed in time, the application filed to condone the delay in filing the appeal in MP No.2 of 2009 itself was unnecessary. Therefore, the application in CMP.No.14354 of 2023 filed to restore MP.No.2 of 2009 is rejected as unnecessary.
- (ii) The Registry shall receive an application from the appellant to accept the cause title, together with an application to condone the delay in filing the said application.
- (iii) On such applications being ordered, the appeal will be numbered.
- (iv) Insofar as the applications filed to implead the petitioners in CMP.Nos.14396 and 14399 of 2026 are concerned, they are deferred by one week to enable the appellant to file the appropriate application as per Clause (ii) above.



11. The Registry is directed to print the name of Mr.V.Vidyesh and Mr.Lakshmipathi, as the counsel for the respondents in the cause list and list CMP.Nos.14396 and 14399 of 2026 on 16.07.2026.

09-07-2026

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CMP Nos. 14354 of 2023 and 14396 & 14399 of 2



V.LAKSHMINARAYANAN J.

VKR

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in SA Sr.No.27168 of 2007**

09-07-2026