



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 3881 of 2026

and

CMP No. 17018 of 2026

1. Marcus Frederick Lazaro

Petitioner(s)

Vs

1. CSI St.Thomas (Garrison) Church
Rep by V.Godwin, Hon.Secretary,
St.Thomas Mount, Chennai 600016

Respondent(s)

PRAYER

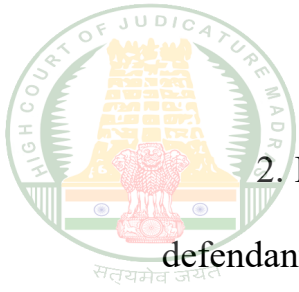
Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the Order made in IA.No.3 of 2026 in OS.No.72 of 2024 dated 06.06.2026 on the file of the Additional District Munsif, Alandur and thereby allow this Revision throughout cost and thus render justice

For Petitioner(s): Mr.K.Jayaraman

For Respondent(s): Mr.E.Paramasivan For Caveator

ORDER

This civil revision petition has been filed, challenging the impugned order dated 06.06.2026 passed by the Additional District Munsif, Alandur in I.A. No.3 of 2026 in O.S. No.72 of 2024.



2. In the aforesaid order, the application filed by the petitioner, who is the defendant in the suit, seeking for a direction to issue subpoena to the Diocese of Madras, Church of South India and direct them to produce the documents, namely,

a) The original registered Will dated 20.01.1959;

b) Authorisation letter given to the petitioner / defendant to proceed the case against the land grabbers of the church property, has been dismissed by giving the following reasons:

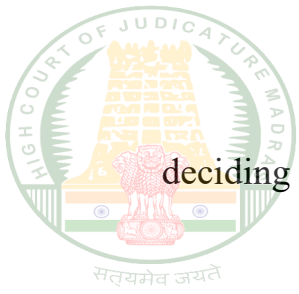
i) The petitioner himself has admitted that he is the tenant under the respondent / plaintiff. The tenant is estopped from disputing the title with the landlord during the subsistence of the tenancy;

ii) Section 122 of the Bharathiya Sakshiya Adinayam, 2023, embodies this principle and provides that no tenant of immovable property shall, during the continuance of the tenancy, be permitted to deny that the landlord had title to the property at the commencement of the tenancy.

c) In view of the admitted tenancy, the petitioner cannot be permitted to challenge the title of the respondent by seeking production of documents relating to respondent's title over the suit schedule property;

d) The documents sought to be summoned viz., the original Will and the alleged authorisation letter, do not appear to have any bearing on the issues arising for determination in the suit.

e) The alleged authorisation letter, even if produced, would not assist in



deciding the question of ejectment or recovery of rent.

WEB COPY 3. When the petitioner has admitted that he is only a tenant under the respondent, the reasons given by the trial court as stated supra for dismissing the petitioner's application does not suffer from any infirmity. As rightly observed under the impugned order, the application filed by the petitioner / tenant is not necessary for the effective adjudication of the suit, which has been filed, seeking for ejectment of the petitioner from the property.

4. Since there is no merit in this civil revision petition, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16-07-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To
The Additional District Munsif, Alandur.



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ABDUL QUDDHOSE J.

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