



WEB COPY

CRP No. 2084 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

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THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

**CRP No. 2084 of 2026 and
CMP.No.9230 of 2026**

Gopal (Died)

1.G.Babu,
S/o. Late Gopal,
Residing at
13/6, Loco Works Road,
Agaram,
Chennai -82.

2.G.Kandan,
S/o.Late Gopal,
Residing at
13/6, Loco Works Road,
Agaram,
Chennai -82.

..Petitioner(s)

Vs

Sri Prasanna Vinayagar Temple,
At Palavayal Road,
Agaram, Jawahar Nagar,
Chennai-82,
Rep. by its Secretary,
T.Visvesiah.

..Respondent(s)

Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the Order dated 21.08.2024 in M.P.No.1 of 2024 in Ejectment Suit No.21 of 2002 on the file of IV Judge, Court of Small Causes, Chennai.



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For Petitioner(s):

Ms.R.Thenamirtha Shyamala

For Respondent(s):

Mr.Silambannan
Senior Counsel
For Mr.K.Sathish

ORDER

This Civil Revision Petition has been filed seeking to set aside the order dated 21.08.2024 passed by the IV Judge, Court of Small Causes, Chennai in M.P.No.1 of 2024 in Ejectment Suit No.1 of 2022.

2. In the aforesaid order, the application filed by the respondent/plaintiff seeking to implead the legal representatives of the deceased Mr.Gopal, who was the original defendant has been allowed through the docket order. The petitioners are the legal representatives of the deceased Mr.Gopal. They have challenged the impugned order on the ground that the suit has become abated on account of the respondent not filing an application seeking to bring on record the legal representatives of the deceased, within the period of limitation as prescribed under Order XXII Rule 4 of the Civil Procedure Code.

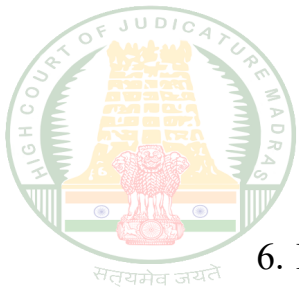
3. According to the petitioner, mechanically without following the due procedure contemplated under Order XXII Rule 4 CPC, the Trial Court has allowed the application filed by the respondent seeking to bring on record the legal representatives of the deceased Gopal.



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4. The learned counsel for the petitioner submits that in respect of some other suits filed by the very same respondent temple against other tenants who had died, civil revisions petitions were filed by the legal representatives in those suits raising the very same grounds that have been raised in this civil revision petition and would submit that by orders dated 16.04.2025 passed in CRP.Nos.396 to 399 of 2025 and order dated 05.08.2025 passed in CRP (PD) No.2926 of 2025, this Court had allowed the Civil Revision Petitions by setting aside the similar impugned order and by granting liberty to the respondent temple to file fresh application for bringing on record the legal representatives of the deceased defendant in all the Ejectment Suits. Therefore, the learned counsel for the petitioner would submit that impugned order will have to be set aside by this Court.

5. The learned counsel for the respondent does not dispute the fact about the passing of the orders as referred to supra, in the connected Civil Revision Petition, involving a similar issue and involving the very same respondent temple.



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6. In the instant case as well, the application to bring on record the legal representatives of the deceased Gopal was not filed within the stipulated time as prescribed under Order XXII Rule 4 CPC but was only filed thereafter and the Trial Court under the impugned order has mechanically allowed the application filed by the respondent/plaintiff to bring on record the legal representatives of the deceased Gopal. Therefore, the application having been filed by not following the due procedure contemplated under Order XXII Rule 4 CPC ought not to have been entertained by the Trial Court. Therefore, the impugned order passed by the learned IV Judge, Court of Small Causes, Chennai in M.P.No.1 of 2024, in Ejectment Suit No.21 of 2022 has to be set aside by this Court as was done in a similar impugned order in the connected Civil Revision Petitions in respect of the suits filed by the very same temple seeking for ejectment of the tenants.

7. Accordingly, the impugned order dated 16.10.2025 passed by the IV Judge, Small Causes Court, Chennai in M.P.No.1 of 2024 in Ejectment Suit No. 21/2026 is hereby set aside. This Civil Revision Petition is disposed of by granting liberty to the respondent temple to file fresh applications seeking to set aside the abatement as well as to condone delay in filing an application to set aside the abatement and on such applications having being filed, the Court below shall entertain the same, consider the same on merits and in accordance



with law. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The Court of Small Causes, Chennai.



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ABDUL QUDDHOSE, J.

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