



WEB COPY

SA No. 642 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 16-12-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**SA No. 642 of 2025  
and  
CMP.No.22915 of 2025**

1. PAPATHYAMMAL (DIED)  
1.K.R.M.D. Subash Chandra Bose  
S/o. K.R.M.Duraisamy Nadar (Late),  
Old No. 39, New No. 6, Parthasarathy  
Street, Purasawalkam, Chennai-7.

Appellant(s)

Vs

1. Arulmighu Gangadareswarar Temple  
Purasawalkam,  
Rep. by its Executive Officer, having  
office at 131, Gangadareswarar Koil  
Street, Purasawalkam, Chennai-84.

Respondent(s)

**PRAYER**

Second Appeal filed under Section 100 of Code of Civil Procedure, prays to set aside the Judgement and decree dated 26/07/2024 passed in AS No. 189 of 2010 by the learned II Addl. Judge, City Civil Court, Chennai which has modified the Judgement And Decree dated 26/11/2008 passed in OS No. 3022 of 2007 by the learned XII Asst Judge, City Civil Court, Chennai.

For Appellant(s): Mr.Krishnasamy R.

For Respondent(s): Mr.S.Vijayaganesh



## **JUDGEMENT**

The appellant has filed this Second Appeal praying to set aside the Judgement and decree dated 26/07/2024 passed in AS No. 189 of 2010 by the learned II Additional Judge, City Civil Court, Chennai, wherein the learned First Appellate Judge has modified the Judgement And Decree dated 26/11/2008 passed in OS No. 3022 of 2007 by the learned XII Assistant Judge, City Civil Court, Chennai.

2. For the sake of convenience, the parties herein are referred to as they were ranked in the suit.

3. The learned counsel for the plaintiff – temple / respondent herein submitted that there are arrears of rent to the tune of Rs.11,81,973/- as on date by the appellant / defendant. The fair rent was fixed much earlier, in the year 2019. With regard to the land, an extent of about 2,400 square feet was given to the appellant, in which the appellant has put up constructions in the first floor and second floor portions, despite objections raised by the temple authorities.

4. The learned counsel for the respondent / temple also raised a strong objection, stating that the appellant has no locus standi to prefer this appeal, since he is a chronic defaulter in payment of rent. He further submitted that the



appellant paid only a minimum rent of Rs.3,000/- or Rs.4,000/- and not the fair rent fixed by the respondent authorities.

WEB COPY

5. As on date, the appellant is aged about 81 years and is suffering from a heart ailment, and he appeared before this Court. The learned counsel for the appellant submitted that the superstructure was purchased by the appellant and that thereafter, out of his hard-earned money, he put up the first floor. Due to his advanced age and ailment, he has no source of income and therefore he is unable to pay the rent as claimed by the respondent authorities.

6. In reply, the learned counsel for the respondent submitted that there are nearly five more portions in the suit premises which were sub-let by the appellant and from which he is receiving considerable rent. The same was denied by the appellant.

7. Considering all the submissions, it is seen that initially a vacant site was given to the appellant, wherein he put up constructions consisting of a ground floor, first floor and a small structure in the second floor. As on date, except a small portion of the land, the remaining portions have been surrendered by the appellant. Therefore, the appellant is directed to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) towards arrears of rent within a period of six months to the respondent authority, as a full and final settlement with



regard to the arrears.

WEB COPY

8. Considering the fact that fair rent was fixed long back in the year 2016, the appellant is directed to pay a sum of Rs.16,000/- as monthly rent until fixation of the revised fair rent by the respondent temple. The fair rent is proposed to be fixed in the year 2027. Until such fixation, the appellant shall pay Rs.16,000/- per month to the respondent temple authority without any default.

9. With the above directions, the Second Appeal is disposed of. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

**16-12-2025**

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



SA No. 642 of 2025



To

1. Arulmighu Gangadareswarar Temple  
Purasawalkam, Rep. by its Executive  
Officer, having office at 131,  
Gangadareswarar Koil Street,  
Purasawalkam, Chennai-84.
2. The II Additional Judge, City Civil  
Court, Chennai.
3. The XII Assistant Judge, City Civil  
Court, Chennai.
4. The Section Officer,  
VR-Section, High Court of Madras.



WEB COPY

SA No. 642 of 2025



**T.V.THAMILSELVI J.**  
**rri**

**SA No. 642 of 2025**  
**and**  
**CMP.No.22915 of 2025**

**16-12-2025**