



C.R.P. (PD) No.669 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2025

CORAM:

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

C.R.P. (PD) No.669 of 2025
and
C.M.P. No.3794 of 2025

G. Sampath

... Petitioner

vs.

Arulmighu Sandhana Vinayagar Thirukoil,

Rep. by its Managing Trustee,

R. Gnanasambandham,

No.84, Old Mambalam Road,

West Saidapet,

Chennai – 600 015.

... Respondent

Prayer : Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the fair and decreetal order, dated 26.11.2024 in I.A. No.2 of 2020 in O.S. No.5274 of 2017 on the file of XII Assistant City Civil Court, Chennai.

For Petitioner : Mr. B. Ravi

For Respondent : Mr.V.B. Thirupathikumar



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ORDER

WEB COPY Heard the learned counsel on both sides.

2. The revision petitioner is the defendant in O.S. No.5274 of 2017. The said suit has been filed by Arulmighu Sandhana Vinayagar Thirukoil, represented by its Managing Trustee for recovery of possession from the revision petitioner and for damages for the use and occupation.

3. Pending the said suit, the revision petitioner has taken out I.A. No.2 of 2020 seeking permission to deposit the rents to the credit of the suit. According to the petitioner, the petitioner has last paid the monthly rent of Rs.60/- in November 1983 into the bank account of the plaintiff's Temple and thereafter, since termination notice was issued and the suit came to be filed, the petitioner has not been able to pay the rents and therefore, the petitioner has sought for permission to deposit the rents. He has further contended that there was an earlier suit in O.S. No.2878 of 1984, by which, there was a dispute with regard to the title to the suit property and the said suit came to be dismissed on 12.04.2016 by the trial Court and subsequently, it was confirmed in appeal, as well. The



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only objection of the plaintiff is that the tenancy of the petitioner/defendant has been terminated and therefore, the petitioner should not be allowed to deposit any alleged rent, which is only a self serving claim of the revision petitioner. In view of the fact that the plaintiff has also sought for recovery of damages for use and occupation, I do not see any prejudice caused to the plaintiff in the event of the petitioner being permitted to deposit monies to the credit of the suit. It is however made clear that any such deposit would not prejudice the rights of the plaintiff in any manner and it shall not be open to the petitioner/defendant to contend that since he has been permitted to deposit rents, the termination of tenancy is bad in law. It is further made clear that deposit is permitted without prejudice to the contentions of the respondent / plaintiff in the suit and ultimately, if the plaintiff succeeds in getting a decree for damages for the use and occupation, the amounts that are now permitted to be deposited shall be set off as against the decree amount that may be passed in favour of the plaintiff.

4. The petitioner shall deposit the amount, which according to the petitioner is due and payable, within a period of four weeks from the date



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of receipt of a copy of this order. It is reiterated that deposit of any amount shall be only on account and without prejudice to the rights and contentions of the plaintiff in the main suit. Considering that the suit is of the year 2017 and the trial court has already commenced the trial, the XII Assistant City Civil Court, Chennai, is directed to dispose of the suit on or before 31.12.2025.

5. With the above observations, the Civil Revision Petition stands is allowed. No costs. Consequently, connected miscellaneous petition is closed.

14.08.2025

Internet: Yes/No
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2

To
The XII Assistant City Civil Court, Chennai.



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P.B. BALAJI, J.

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