



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.Nos.1667 & 1670 of 2025

& CMP.Nos.9596 & 9603 of 2025

Seshammal (Died)
Varadarajan

... Petitioner in CRP.No.1667 of 2025

G.Balaraman (Died)
Visalakshi

... Petitioner in CRP.No.1670 of 2025

vs.

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

... Respondent in both CRPs

COMMON PRAYER: Civil Revision Petitions have been filed under Article 227 of Constitution of India, to set aside the order dated 23.01.2025 in Tr.O.P.No.54 & 55 of 2024 respectively on the file of the Court of Chief Small Causes Judge, Chennai.

(In both CRPs)

For Petitioner : M/s.R.Thenamirtha Shyamala

For Respondent : Mr.K.Sathish



COMMON ORDER

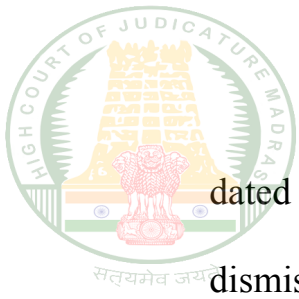
WEB COPY

These Civil Revision Petitions have been preferred challenging the order dated 23.01.2025 in Tr.O.P.No.54 & 55 of 2024 respectively on the file of the learned Chief Small Causes Judge, Chennai.

2.Heard Mrs.R.Thenamirtha Shyamala, learned counsel for the petitioners in both the revision petitions and Mr.K.Sathish, learned counsel for the respondent/temple.

3.These revision petitions have been preferred, aggrieved by the order of dismissal of Tr.O.P.Nos.54 & 55 of 2024 filed by the revision petitioners seeking transfer of the ejectment suits filed by the respondent/temple.

4.The grievance of the revision petitioners is that the Trial Court was not granting reasonable or sufficient time and not even taking up the applications and insisted upon the petitioners arguing the ejectment suits, thereby raising serious apprehensions or doubts in the minds of the revision petitioners. Under such circumstances, transfer original petitions moved before the Chief Small Causes Court, Chennai. In and by an impugned order

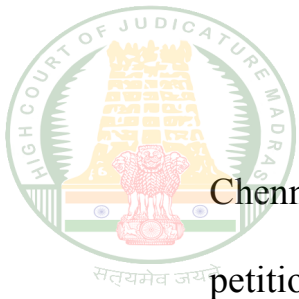


dated 23.01.2025, the learned Chief Small Causes Judge, Chennai has dismissed the said transfer original petitions with costs.

WEB COPY

5.The learned counsel for the petitioners, would bring to my notice that in the meantime, aggrieved by the orders passed by the Trial Court in MP.No.1 of 2024 in Ejectment Suit Nos.22 & 23 of 2002, approached this Court and this Court set aside the orders passed by the Trial Court giving liberty to the respondent/temple to file a fresh applications to bring on record the legal representatives of the deceased defendant in the ejectment suits. The erroneous orders passed by the Trial Court have been set aside by a judicial order of this Court and further directions have been issued in the CRP.Nos.396 and 398 of 2025.

6.In the light of the above, I do not find any necessity for transfer of the suits to any other Courts, especially since this Court has taken note of the error committed by the Trial court and has also protected the interest of the respondent/plaintiff by giving liberty to take out fresh application to bring on record the legal representatives of the deceased defendant. However, at the same time, though the learned Chief Small Causes Judge,



WEB COPY

Chennai cannot have fell in error in dismissing the said transfer original petitions, I find that there was no necessity for imposing costs . The said portion of the order of the Chief Small Causes Court imposing costs is set aside. The request of transfer which has been rejected by the learned Chief Small Causes Judge is however confirmed. There shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

06.06.2025

ata

To

The Court of Chief Small Causes Judge, Chennai.



WEB COPY



P.B. BALAJI,J.

ata

CRP.Nos.1667 & 1670 of 2025
& CMP.Nos.9596 & 9603 of 2025

06.06.2025