



CRP.Nos.2019 & 2021 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CRP.Nos.2019 & 2021 of 2022

and

CMP.No.10348 of 2022

1. V.Sivakumar

2. V.Dakshnamurthy

...Petitioners in both CRP's.

Vs.

Tambaram Municipality,
Represented by its Commissioner,
Tambaram, Chennai – 600 045.

...Respondent in both CRP's.

Common Prayer: Civil Revision Petitions filed under Article 227 of Constitution of India, seeking to allow the Revisions by setting aside the fair order and decreetal order in I.A.Nos.2 & 1 of 2022 respectively in O.S.No.298 of 2017 on the file of the Learned Subordinate Judge at Tambaram.

In both CRP's.:

For Petitioners : Mr.M.V.Seshachari

For Respondent : Mr.P.Srinivas

Page No.1 of 6



CRP.Nos.2019 & 2021 of 2022

WEB COPY

COMMON ORDER

The applications to issue summons to the Tahsildar concerned and to re-open the case respectively, in a suit for declaration, recovery of possession and damages from the Tambaram Municipality, have been dismissed by the learned Subordinate Judge, Tambaram, vide common order dated 03.06.2022. Aggrieved by the same, the plaintiffs are before this Court.

2. Heard Mr.M.V.Seshachari and Mr.P.Srinivas, learned counsel appearing for the respective parties.

3. Mr.M.V.Seshachari, the learned counsel for the petitioners submitted that the respondent did not even choose to file a counter to the said applications for summoning the Tahsildar and for re-opening the case and in fact, no objection was also recorded by the trial court. However, despite the same, citing delay, the applications have been dismissed, which is not sustainable. Accordingly, he prayed for appropriate orders.



CRP.Nos.2019 & 2021 of 2022

WEB COPY

4. Per contra, the learned counsel appearing on behalf of the respondent Municipality submitted that, the petitioners have put forth a false case as if they came to know about the correspondence between the Tahsildar and the Municipality only during the cross examination. However, the learned counsel for the respondent Municipality contended that, even in the written statement filed as early as in the year 2018, they have set out the details regarding the same and therefore, there is no error or infirmity in the impugned order of the trial court, dismissing the applications filed by the petitioners on the ground of delay. Accordingly, he prayed for dismissal of these Revision petitions.

5. Admittedly, the suit in O.S.No.298 of 2017 is for declaration, recovery of possession and for damages. Even though the plaintiffs have not taken note of the specific averments in the written statement, an opportunity should be given to them considering the nature of the Suit, especially, considering the fact that the defendant has not chosen to let in any oral evidence.



CRP.Nos.2019 & 2021 of 2022

WEB COPY

6. In the light of the above, the impugned common order dated 03.06.2022 made in I.A.Nos.2 & 1 of 2022 respectively in O.S.No.298 of 2017 is set aside and the matters are remanded to the Subordinate Court, Tambaram, in order to give an opportunity to the plaintiffs to establish that the communications are not pertaining to the suit property, but to different Survey numbers altogether. The learned Subordinate Judge, Tambaram shall hear the parties and thereafter pass appropriate orders on merits and in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.

7. With the above observations and directions, these Civil Revision Petitions stand allowed. No costs. Consequently, the connected miscellaneous petition is closed.

11.07.2025

skt

Index	: Yes / No
Speaking order	: Yes / No
NCC	: Yes / No

Page No.4 of 6



CRP.Nos.2019 & 2021 of 2022

WEB COPY

To

1. The Commissioner,
Tambaram Municipality,
Tambaram, Chennai – 600 045.
2. The Subordinate Court,
Tambaram.



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P.B. BALAJI, J.

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