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C.R.P.Nos.3693 of 2025 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2025

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

**C.R.P.Nos.3693, 3695, 3701, 3703, 3704,
3713, 3717, 3719, 3723 and 3726 of 2025
and**

**CMP.Nos.19785, 19791, 19807, 19813, 19811,
19824, 19828, 19832, 19847 and 19854 of 2025**

CRP.No.3693 of 2025:-

M/s.Ananyakrishnaa Constructions Pvt Ltd,
Rep by its Managing Director,
Mr.Y.Gangadhar
No.1225/1, Panneerselvam Salai,
K.K.Nagar, Chennai – 600 078.

...Petitioner

Vs.

N.S.Ramachandran

...Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleased to set aside the order dated 27.03.2025 made in I.A.No.1 of 2024 in A.S.SR.No.4798 of 2024 in O.S.No.1250 of 2021 on the file of I Additional District Judge, Chennai.



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For Petitioner : Mr.Thiageswaran
(in all CRPs) for M/s.Waraon and Sai Rams

For Respondent : Mr.G.Vivekanand
(in all CRPs) asst by Ms.Varuni Mohan

COMMON ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. The present revision petitions are arises out of an applications filed for condonation of delay of 234 days in preferring the First Appeal challenging the dismissal of the suits filed by the revision petitioner as the plaintiff before the XVII Assistant City Civil Court, Chennai.

3. Admittedly, the suit came to be dismissed, and aggrieved by the dismissal, the revision petitioner had initially filed 21 suits in respect of the very same subject matter. Some of the suits were dismissed consequent to the applications taken out by the defendant for rejection of plaint.



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4. According to the learned counsel for the respondent, the said order has attained finality. It is only in respect of some suits that appeals have been filed, and the same are pending before the I Additional City Civil Court, Chennai. However, insofar as the 10 present appeals arising out of the common judgment in O.S.No.1250 of 2021, there was a delay in preferring the appeals and therefore applications were taken out seeking condonation of delay. The said applications have now been dismissed by the First Appellate Court, and aggrieved by the same, the present revision petitions have been filed.

5. The First Appellate Court, not being satisfied with the reasons assigned by the petitioner in paragraph No.17, has chosen to dismiss the applications seeking condonation of delay.

6. The learned counsel for the respondent also states that the reasons assigned by the petitioner are totally unsatisfactory and the delay of 234 days has not been sufficiently explained.



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7. Though, on the face of the affidavit filed by the petitioner, I am unable to find fault with the contentions of the learned counsel for the respondent. However, considering that 21 suits were decided in and by a common judgment, and appeals against eight suits have already been numbered and are pending in A.S.Nos. 40, 51, 63, 64, 93, 96, 97 and 104 of 2024 and A.S.No.96 of 2024 are pending on the file of the XVII Assistant City Civil Court, Chennai, I do not see any serious prejudice being caused to the respondent, since the common judgment is already under challenge in eight appeals.

8. In fact, it is also pointed out by the learned counsel for the petitioner that some of the appeals were numbered after condonation of delay in filing the appeal.

9. However, the learned counsel for the respondent placed reliance on the decision of the Hon'ble Supreme Court in ***R.Kandasamy (since dead) and others Vs. T.R.K.Sarawathy and another***, reported in **(2025) 3 SCC 513**, wherein the Hon'ble Supreme Court held that when the



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vendor unilaterally cancels an agreement, the vendee is not entitled to seek specific performance without seeking a declaratory relief challenging the cancellation as bad. He stated that in the present revisions, as well as in the appeals pending, the plaintiff has not chosen to seek any such declaratory relief. He therefore prayed for the issue of maintainability of the suits to be tried as a preliminary matter, in the event the revisions are allowed and delay is condoned.

10. I have carefully considered the submissions made by the learned counsel for the petitioner and the learned counsel for the respondent.

11. As already indicated, the 21 suits were tried before the XVII Assistant City Civil Court, Chennai, and admittedly, all the suits filed by the revision petitioners came to be dismissed, some of them after trial, and a few of them, with complaints being rejected under Order 7 Rule 11 of CPC. It is an admitted position that, as against the said common judgment, A.S.Nos. 40, 51, 63, 64, 93, 96, 97 and 104 of 2024 are pending before the I



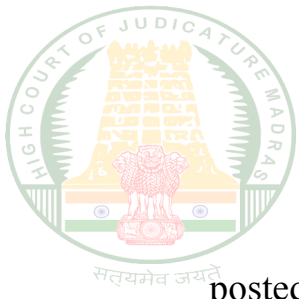
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Additional City Civil Court, and A.S.Nos.96 and 97 are pending before the XVII Assistant City Civil Court, Chennai. In light of the fact that the suits were disposed of by a common judgment, and especially in order to avoid conflicting orders and multiplicity of proceedings, and to ensure that all the appeals are heard together and disposed of on merits, I am inclined to allow these revisions and condone the delay. Though the reasons cited by the petitioners are not satisfactory, in order to compensate the respondents for the prejudice caused, I am inclined to impose a cost of Rs.10,000/- to be paid to each of the respondents in the revision petitions within a period of two weeks from the date of receipt of a copy of this order.

12. These Civil Revision Petitions are disposed of in the following manner:-

- (i) CRPs are allowed and the orders in I.As. are set aside.
- (ii) The appeals shall be numbered if they are otherwise in order and shall be posted before the I Additional City Civil Court, Chennai.
- (iii) A.S.Nos. 96 and 97 of 2024, pending on the file of the XVII Assistant City Civil Court, Chennai, are hereby *suo motu* transferred and



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posted to the I Additional City Civil Court, Chennai.

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13. All the above appeals, along with the appeals being numbered pursuant to the orders in these revision petitions, shall be heard together by the learned I Additional Judge, City Civil Court, Chennai. The issue of maintainability of the suits shall also be decided by the First Appellate Court, though not as a preliminary issue, since the said issue has already been decided by the Trial Court by the common judgment. The appeals shall be disposed of by the end of February 2026. It is made clear that all these directions will come into force subject to compliance with the condition of cost imposed in Clause (1) supra.

14. These Civil Revision Petitions are allowed. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

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To

The learned I Additional District Judge, Chennai.



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P.B.BALAJI.J.

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