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CRP(PD).No.94, 96 & 97 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).Nos.94, 96 & 97 of 2025

and

CMP.Nos.812 of 2025

S.Nagammal (Deceased)

1.Palani

2.Vijayalakshmi

Neelakandan (Died)

3.Anandhi

4.Neelavathi

5.Shanmugam

6.N. Shenbhagavalli

... Petitioners in all CRPs.

Vs.

Sri Siddhi Vinayagar Koil Devasthanam

Rep. by its Hereditary Trustee

K.B.Sivasankaran (Died)

S.Mohan Kumar

S.Kalyanasundaram

Sivakumar

... Respondents in all CRPs



CRP(PD).No.94, 96 & 97 of 2025

(Cause title accepted vide Court order dated 06.01.2025 made in CMP.Nos.29746, 29757 & 29760 of 2024 in CRP(PD) SR.Nos.165041, 165039 & 1650 of 2024 by VLNJ)

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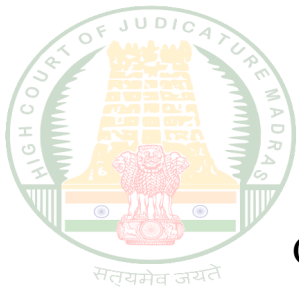
Prayer in CRP.No.94 of 2025:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the docket order dated 11.11.2024 passed in MP.No.4/2024 in Ejectment Suit No.57/1991 passed by the II Small Causes Court at Chennai and allow the CRP.

Prayer in CRP.No.96 of 2025:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the docket order dated 11.11.2024 passed in MP.No.5/2024 in Ejectment Suit No.57/1991 passed by the II Small Causes Court at Chennai and allow the CRP.

Prayer in CRP.No.97 of 2025:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the docket order dated 11.11.2024 passed in MP.No.3/2024 in Ejectment Suit No.57/1991 passed by the II Small Causes Court at Chennai and allow the CRP.

For Petitioner : M/s.R.Manohar

For Respondent : No Appearance



COMMON ORDER

Challenging the orders passed by the II Small Causes Court,

Chennai in MP.Nos.3, 4 and 5 the defendants are before this Court.

2. The facts are briefly set out herein below and the parties are referred to in the same ranking as before the Trial Court.

3. The respondents/plaintiffs would submit that the suit property belongs to the plaintiff temple. On 26.008.1969, the suit property was leased to the defendants on a monthly rent of Rs.4/-. Since the defendants had failed to pay the rent for a considerable period, the plaintiff had filed an ejectment suit in OS.No.188 of 1974. Though the notice has been served on the defendants, they had not contested the suit and therefore an ex parte decree came to be passed in the suit OS.No.188/1974. The execution proceedings though initiated was not prosecuted on account of serious illness of the Trustee. That apart, the defendants had approached the plaintiffs not to pursue the earlier decree and had offered to pay the enhanced rent.

4. Once again, the defendants had defaulted in payment of rent

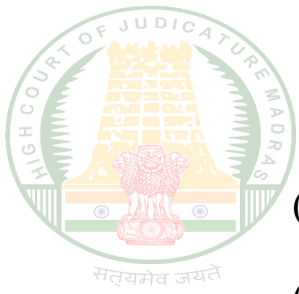


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for the past 5 years. Therefore, the plaintiff had issued a legal notice dated 26.11.1990 terminating the tenancy and asking the defendants to hand over the possession of the suit premises by 1st March 1991. A reply containing totally false statements was issued wherein the defendants had denied the title of the landlord. Therefore, the instant ejectment suit came to be filed.

5. A written statement was filed in which the defendants had contended that the plaintiffs are not the trustees of the temple. As regards the earlier ejectment suit OS.No.188 of 1974 it is the contention of the defendants that they are not aware about the said proceedings as no notice has been served on them. They had pleaded res judicata by stating that the earlier ejectment suit has not been prosecuted further. The defendant would submit that they have already obtained patta in respect of the property as early as in the year 1985 itself and therefore sought to have the suit dismissed.

6. After the Trial was concluded and written arguments submitted by the defendants, the plaintiffs had come forward with the following petitions:-



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- (i) MP.No.3 of 2024- to reopen the evidence in Ejectment Suit.
- (ii) MP.No.4 of 2024 - to permit the plaintiff to adduce the evidence in Ejectment Suit.
- (iii) MP.No.5 of 2024 - to receive additional documents in Ejectment suit.

7. In the affidavit filed in support of these petitions it is the contention of the plaintiffs that when the suit was posted for plaintiff's argument and the documents were perused on 22.09.2004, they realised that P.W.1 did not mark any documents such as legal notices sent to the 1st defendant on 26.11.1990 and reply notice dated 02.01.1991. That apart, it is their contention that they have not let in evidence to show that they are the hereditary trustees. The plaintiffs would further submit that these documents should be marked as additional documents to show that the plaintiffs are the hereditary trustees of the Devasthanam. Therefore, they have come forward with the impugned petitions.

8. The respondents have filed a counter interalia denying the case of the plaintiffs and submitting that the present petitions are only

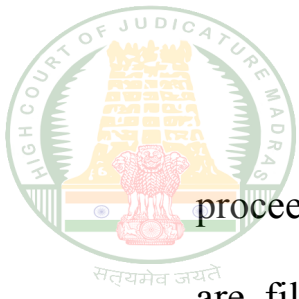


an attempt to fill up the lacuna. The plaintiffs have not pleaded that these documents were not available to them or despite their best efforts they were unable to trace the documents. After the written arguments have been filed by the respondents/defendants to fill up the lacuna the present petitions have been filed. Therefore, the same have to be dismissed.

9. Heard the counsels for the petitioner and perused the records.

10. The defendants in their written statement has clearly denied that the plaintiffs are the trustees and they have also contended that there is no arrears of rent as the defendants had paid the rent every month without default and it is the trustees who were not issuing the receipts for the same. In the written arguments, the defendants have taken out a specific plea that that there is no document to show that the plaintiffs are the trustees.

11. Though the learned Judge, II Small Causes Court, Chennai has observed that no reasons have been given for non-marking of documents and for reopening the evidence, however, she still



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proceeded to allow the petitions with costs. The impugned petitions are filed after the closing of both sides evidence that too without giving sufficient reasons. This would clearly indicate that these petitions are filed only with the intent to drag on the proceedings and to fill up the lacuna. Therefore, the order passed by the learned Judge, II Small Causes Court, Chennai dated 11.11.2024 cannot be sustained and is accordingly set aside.

12. Accordingly, the Civil Revision Petitions are allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

19.03.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The II Small Causes Court at Chennai



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P.T. ASHA. J.,

(shr)



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