



CRP(MD). No.2714 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 31/10/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

CRP(MD). No.2714 of 2025

and

CMP(MD)No.15917 of 2025

J.Muthukrishnan

... Petitioner / 2nd Defendant

Vs

1. Arulmigu Pragatheeswarar Swamy Temple,
Rep by its Hereditary Trustee,
Thanjavur Palace Devasthanam.

... 1st Respondent / Plaintiff

2. J.Pragalathan,
S/o.Janakiraman,
Joansiappa Lane, South Main Street,
Thanjavur Town and Munsif.

3. J.Govindan,
S/o.Janakiraman,
Joansiappa Lane, South Main Street,
Thanjavur Town and Munsif.

... 2 and 3 Respondents /
Defendants 1 and 3

(Since No Relief is Sought Against
The Respondents 2 and 3.



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PRAYER :-

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 02.08.2025 made in I.A.No.1 of 2025 in O.S.No.66 of 2017 on the file of the Additional Subordinate Judge, Thanjavur and allow the present Civil Revision Petition.

For Petitioner : Mr. P.Thiyagarajan,
Advocate.

For Respondent : Mr.V.Chandrasekar for R2

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order dated 02.08.2025 made in I.A.No.1 of 2025 in O.S.No.66 of 2017 on the file of the Additional Subordinate Judge, Thanjavur, in which the application to set aside an *ex parte* order by condoning a delay of 2632 days had been dismissed, against which the petitioners were on appeal before this Court.



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2. Learned counsel for the petitioner would contend that the suit itself is not maintainable. He would further submit that the petitioner / defendants were evicted from the suit property as early as on 14.03.2013 and that the present suit itself has been filed only in the year 2017 for recovery of arrears of rent which would be squarely hit by the provisions of law of limitation. Even assuming that the petitioner / defendants are liable to pay the rent, the rent for the period from 2004 is sought to be recover. He would submit that utmost the first respondent could only be entitled for three years prior to the suit and in the present facts of case, even before three years of the filing of suit, the petitioners were evicted from the property. Therefore, he would submit that the suit itself is barred by law of limitation. This aspect has not been considered by the Court below and had dismissed the application filed for condonation of delay.

3. Mr.V.Chandrasekar, learned counsel appearing for the second respondent would submit that by application under Section 109 of the HR and CE Act, law of limitation cannot be made applicable to a temple.



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He would submit that the rent that was due becomes the property of the temple and therefore, the respondent has a right to file a suit to recover its property. He would also rely upon the judgment of this Court made in **2001 (3) mlj 624** in the case of ***Sri Athmanathaswamy Devasthanam, Avidyarkoil Vs K.G.Varadachariar*** and others, and therefore he prays this Court to dismiss the Civil Revision Petition.

4. I have considered the submissions made by the learned counsel on either side and perused the materials available on record.

5. From the facts that had been narrated, it could be seen that the respondent herein had instituted a suit for recovery of the arrears of rent from the year 2004 till the date of eviction in the year 2013. The suit had been filed in the year 2017 that is after three years from the date of eviction. The claim made by the petitioner cannot be simply brush aside. The Court below *prima facie* had failed to appreciate the merits of the case of the petitioner. This Court is of the view that there is *prima facie* claim on merits on the side of the petitioner. But however without going into the merits of the claim made or the applicability of the judgment



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referred to by the learned Standing Counsel for the respondent, this Court is of the view that for consideration of the lis between the parties, it would be proper to condone the delay and hear the applications on merits.

6. For the aforesaid reasons, the Civil Revision Petition is allowed and the impugned order is set aside and the delay of 2632 days is condoned. The Court below is directed to take up the application I.A.No. 1 of 2025 in O.S.No.66 of 2017 on the file of the Additional Subordinate Judge, Thanjavur, to set aside the *ex parte* decree and pass orders on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition stands closed.

31.10.2025

NCC : yes / no
Index : yes /no
Internet : yes / no

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K.KUMARESH BABU, J

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To

1. The Additional Subordinate Judge, Thanjavur.
2. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

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