



WEB COPY

CRP No. 167 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

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THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP No. 167 of 2026 and
CMP.No.722 of 2026**

1. Sudha Pandian
2. Harisekara Pandian

..Petitioner(s)

Vs

1. P.Mookandi
2. Malliga
3. The Commissioner, Corporation of Chennai
Ripon Buildings Chennai- 600 003.
4. The Assistant Engineer
Greater Corporation of Chennai
Zone 180, Ward No. 39 Division 13
Adyar, Chennai 600 020.
5. The Chairman
Tamil Nadu Slum Clearance Board
5, Kamarajar Salai Chepauk Chennai 600 005.

..Respondent(s)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 10.12.2025 made in I.A. No. 11 of 2025 in I.A. No. 8 of 2022 in OS No. 4164 of 2018 on the file of II Assistant City Civil Court, Chennai

For Petitioner(s):

Mr.R.Marudhachalamurthy



ORDER

The civil revision petition is filed challenged the order passed by the Trial Court allowing the application filed by the respondents 1 and 2/plaintiffs seeking to restore the I.A.No.8 of 2022 which was dismissed for default for non-payment of batta.

2. The respondents 1 and 2 filed a suit against the petitioners and other respondents seeking permanent injunction restraining the defendants 1 and 2 from putting up any construction in the suit property. Pending suit, the respondents 1 and 2/plaintiffs filed I.A.No.8 of 2022 for taking subpoena to 5th respondent. The Trial Court ordered notice in the said application as early as 23.12.2022. However, the plaintiffs failed to pay batta and hence, after several opportunities, I.A.No.8 of 2022 was dismissed against the 5th respondent. Thereafter, instant application has been filed by the respondents 1 and 2 seeking to restore the I.A.No.8 of 2022. In the affidavit filed in support of the instant application, it was stated by the respondents 1 and 2/plaintiffs that batta was not paid to the 5th respondent due to oversight. Taking into consideration the delay of nearly 3 years in taking steps to serve notice to 5th respondent, the Trial Court allowed the application on payment of cost of Rs.2,000/-. Aggrieved by the same, the petitioners/defendants 1 and 2 have come before this Court.



3. The learned counsel for the petitioners vehemently contended that the respondents 1 and 2 failed to take steps for serving notice on fifth respondent for the past three years. Therefore, the reason assigned ought not to be accepted.

4. A perusal of the pleadings of the parties would indicate that there is a controversy in the pleadings with regard to the allotment of Plot Nos. 120 and 121 to the respondents 1 and 2/plaintiffs. It is the specific case of the petitioners that Plot Nos. 120 and 121 were not allotted to plaintiffs 1 and 2 respectively. The said fact was specifically denied by fifth respondent in their written statement. The respondents 1 and 2 also referred about two payment receipts issued by fifth respondent in favour of respondents 1 and 2/plaintiffs. In view of the controversy in the pleadings with regard to the allotment of Plot Nos. 120 & 121 and the payment of the amount to the fifth respondent by the plaintiffs, this Court feels that the evidence of competent officer of the fifth respondent would be material in deciding real controversy in the suit. Therefore, I do not find any error in the impugned order passed by the trial court allowing the application filed by the respondents 1 and 2 seeking restoration of IA.No.8 of 2022, which was dismissed for default against the fifth respondent for non-payment of batta. In fact, taking into consideration the delay on the part of the respondents 1 and 2, the trial court imposed a cost of Rs.2,000/- payable to the petitioners. In these circumstances, the petitioners have not made out any case to interfere with the



impugned order. Accordingly, the Civil Revision Petition stands dismissed.

Consequently, the connected miscellaneous petition is closed. No costs.

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20-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The II Assistant City Civil Court, Chennai
2. The Commissioner, Corporation of Chennai
Ripon Buildings Chennai 600 003.
3. The Assistant Engineer,
Greater Corporation of Chennai Zone 180,
Ward No. 39 Division 13 Adyar, Chennai 20
4. The Chairman
Tamil Nadu Slum Clearance Board
5, Kamarajar Salai Chepauk Chennai 600 005.



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S.SOUNTHAR, J.

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