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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.1397 of 2024
and
C.M.P.No.7462 of 2024

CNR: {HCMA010589402024}

Devaraj Bharathi Bhushan
S/o.Sri A.A.Devaraj

..Petitioner

Vs

1. K.Moorthy
   S/o.Late Sri Y.K.Gowder

   K.Raju(Deceased)

2. Janaki
   W/o.Ramalingam

   Ganga(deceased)

3. Sarasu
   W/o.K.Raju

4. Ruckmani
   W/o.Lakshmanan

5. Indira
   D/o.Y.K.Karigowder

6. Sarojini
   W/o.Late Y.K.Bhojan

   N.Suresh(Deceased)

7. N.Kishore
   S/o.K.C.Natarajan

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8. Meena
   D/o.K.C.Natarajan

9. Usha
   D/o.K.C.Natarajan

10. S.Krishish
    S/o.K.C.Natarajan

11. Meera
    D/o.Y.K.Bhojan

12. Usha
    D/o.Y.K,.Bhojan

13. B.Karthik
    S/o.Y.K.Bhojan

    K.Mathan(Since Deceased)

14. SK.Gowri
    D/o.Late Y.K.Maban

15. Selvamasi
    D/o.Late Mathana

16. Santhi
    W/o.Late K.Raju

17. Ramya
    D/o.Late K.Raju

18. R.Sampath Kumar
    S/o.Late K.Raju

19. Gowriammal
    W/o.Late Ranganathan

20. Janaki,
    D/o.Late Ranganathan

    Shri.R.Devaraj(Since Deceased)

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21.Jothi Mani
D/o.Late Ranganathan

Y.D.Morachan(Since Deceased)

Y.D.Bheeman(Since Deceased)

22.Kannammal
W/o.Late Devaraj

23.Thilagavathy
D/o.Late Devaraj

24.Bharathy
D/o.Late Devaraj

25.Y.M.Krishnamurthy
S/o.Late Y.D.Morachan

26.Y.M.Mathesvaran
S/o.Late Y.D.Morachan

27.Meenakshi
D/o.Late Y.D.Morachan

28.Mala
D/o.Late Y.D.Morachan

29.Panchali,
W/o.Late Y.D.Bheeman

30.Lakshmi
D/o.Late Y.D.Bheeman

31.Kullan
S/o.Late Y.K.Mathan

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decreetal order dated 06.02.2024 passed in I.A.No.27 of 2023 in O.S.No.1 of 2022 on the file of the Subordinate Court, Conoor.

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For Petitioner : Mr.M.Rajasekar

For Respondents : No appearance - Mr.S.Sathish Kumar [R1]

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ORDER

This civil revision petition has been filed under Article 227 of the Constitution of India by the first defendant questioning the order dated 06.02.2024 passed in I.A.No.27 of 2023 in O.S.No.1 of 2022 on the file of the Subordinate Court, Conoor, wherein the application filed by the first respondent/plaintiff seeking substituted service, came to be allowed by the Court below.

2. Heard learned counsel on either side and carefully perused the materials available on record. This Court also went through the impugned order.

3. This is the second round of litigation that is taking place before the trial Court. The first round reached up to this Court in S.A.No.388 of 2006 and this Court, by judgment dated 22.01.2020, set aside the judgment and decree of both Courts below and remanded the matter back to the trial Court for fresh disposal with a direction to the first respondent/plaintiff to file an application and implead all the necessary parties and the trial Court was directed to dispose of the suit within six months.

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4. After the remand, the first respondent/plaintiff started taking steps to implead necessary parties and that process went on for nearly 1½ years. Ultimately, the proposed 38th defendant was not able to be served and therefore, the first respondent/plaintiff filed I.A.No.27 of 2023 in O.S.No.1 of 2022 to order substituted service. The Court below has ordered substituted service. Aggrieved by the same, the petitioner/first defendant has filed the present civil revision petition mainly on the ground that the mandatory requirements under Order V Rule 20 CPC has not been satisfied in this case.

5. The Court below has taken into consideration the reason for which the notice sent to the proposed 38th defendant has been returned and has come to a conclusion that the proposed 38th defendant is evading service. A stand was taken by the petitioner/first defendant to the effect that the proposed 38th defendant is no more and hence, steps must be taken to implead the legal heirs of the proposed 38th defendant. The Court below held that there is no material to show that the proposed 38th defendant is no more and therefore, the Court proceeded to order substituted service.

6. Learned counsel for petitioner placed reliance upon the judgment of the Apex Court in ***Neerja Realtors Private Limited v. Janglu (dead) through legal representative*** **[*(2018) 2 SCC 649*]** to impress upon this Court that substituted

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service cannot be ordered as a matter of course without following the mandatory requirement under Order V Rule 20 CPC.

7. In the considered view of this Court, if at all substituted service is ordered and notice is effected as against the proposed 38th defendant without following the procedure, it is for the proposed 38th defendant to challenge the same and not the petitioner/first defendant. Even before this Court, when notice was sent to the proposed 38th defendant (31st respondent in the present revision), it has been returned with an endorsement 'left'. Thus, at no point of time, notice was able to be served on the proposed 38th defendant. The Court cannot keep waiting endlessly, particularly, since this is a 2001 suit that has already completed one full cycle and is now pending in its second round before the trial Court. The order passed by the Court below directing substituted service cannot be held to be illegal warranting interference of this Court in exercise of its jurisdiction under Article 227 of the Constitution of India. In any case, the petitioner/first defendant can never have any grievance for ordering substituted service with respect to the proposed 38th defendant.

Accordingly, the order passed by the Court below is sustained and this civil revision petition is dismissed. There shall be a direction to the Subordinate Court, Conoor, to dispose of the suit in O.S.No.1 of 2002 within a period of six (6) months from the date of receipt of a copy of this order and submit a report

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before this Court. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The Subordinate Court,
Conoor.

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N.ANAND VENKATESH, J.

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