Order QR

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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

CRP Nos. 6811, 6813 & 6814 of 2026

CNR:{HCMA011665492025}

AND

CMP NO. 29300, 29302 & 29299 OF 2026

Bashyakara Audhi Chenna Kesava Perumal
Temple
Rep by its Executive Officer
K.R.Koil Premises
West Mambalam
Chennai 600 033

..Petitioner(s)

Vs

Perumal Reddiar (Deceased)

1. Perumal Pillay Alias Kannan
   No.24, Old No.16-A,
   2nd Street, Madley Road,
   T.Nagar,
   Chennai 600 017

2. P.Srinivasan
   No.24, Old No.16-A,
   2nd Street,
   Madley Road,
   T.Nagar,
   Chennai 600 017

3. Ponniah
   No.24, Old No.16-A,
   2nd Street, Madley Road,
   T.Nagar,
   Chennai 600 017

4. Raj
   No.24, Old No.16-A,
   2nd Street, Madley Road,

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T.Nagar,
Chennai 600 017

5. Seshachala Iyer
No.24, Old No.16-A,
2nd Street,
Madley Road,
T.Nagar, Chennai 600 017

6. Govinda Reddy
No.24, Old No.16-A,
2nd Street, Madley Road,
T.Nagar,
Chennai 600 017

7. P.Jayalakshmi
No.24, Old No.16-A,
2nd Street,
Madley Road,
T.Nagar, Chennai 600 017

8. P.Saravanan
No.24, Old No.16-A,
2nd Street,
Madley Road,
T.Nagar,
Chennai 600 017

9. P.Kannan
No.24, Old No.16-A,
2nd Street, Madley Road,
T.Nagar,
Chennai 600 017

..Respondent(s)

CRP No. 6813 of 2026

CNR:{HCMA011665472025}

A/m. Bashyakara Audhi Chenna Kesava Perumal Temple,
Rep. by its Executive Officer

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K.R. Koil Premises
West Mambalam
CHENNAI 600 033.

..Petitioner(s)

Vs

Perumal Reddiar (Deceased)

1. Perumal Pillay Alias Kannan
   No.24, Old No.16-A,
   2nd Street, Madley Road,
   T.Nagar,
   Chennai 600 017

2. P.Srinivasan
   No.24, Old No.16-A, 2nd Street, Madley Road,
   T.Nagar, Chennai 600 017

3. Ponniah
   No.24, Old No.16-A, 2nd Street,
   Madley Road, T.Nagar,
   Chennai 600 017

4. Raj
   No.24, Old No.16-A, 2nd Street,
   Madley Road, T.Nagar,
   Chennai 600 017

5. Seshachala Iyer
   No.24, Old No.16-A, 2nd Street,
   Madley Road, T.Nagar,
   Chennai 600 017

6. Govinda Reddy
   No.24, Old No.16-A, 2nd Street,
   Madley Road, T.Nagar,
   Chennai 600 017

7. P.Jayalakshmi
   No.24, Old No.16-A, 2nd Street,
   Madley Road, T.Nagar,
   Chennai 600 017

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8. P.Saravanan
   No.24, Old No.16-A, 2nd Street,
   Madley Road, T.Nagar,
   Chennai 600 017

9. P.Kannan
   No.24, Old No.16-A, 2nd Street,
   Madley Road, T.Nagar,
   Chennai 600 017

..Respondent(s)

CRP No. 6814 of 2026

CNR:{HCMA011665482025}

A/m BASHYAKARA AUDHI CHENNA
KESAVA PERUMAL TEMPLE,
Rep by its Executive Officer
K.R.Koil Premises
West Mambalam
Chennai 600 033.

..Petitioner(s)

Vs

Perumal Reddiar (Deceased)

1. Perumal Pillay Alias Kannan
   residing at No.24, Old No.16-A,
   2nd Street, Madley Road,
   T.Nagar,
   Chennai 600 017

2. P.Srinivasan
   No.24, Old No.16-A, 2nd Street, Madley Road,
   T.Nagar, Chennai 600 017

3. Ponniah
   No.24, Old No.16-A, 2nd Street, Madley Road,
   T.Nagar, Chennai 600 017

4. Raj
   No.24, Old No.16-A, 2nd Street, Madley Road,
   T.Nagar, Chennai 600 017

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5. Seshachala Iyer
   No.24, Old No.16-A, 2nd Street, Madley Road,
   T.Nagar, Chennai 600 017

6. Govinda Reddy
   No.24, Old No.16-A, 2nd Street, Madley Road,
   T.Nagar, Chennai 600 017

7. P.Jayalakshmi
   No.24, Old No.16-A, 2nd Street, Madley Road,
   T.Nagar, Chennai 600 017

8. P.Saravanan
   No.24, Old No.16-A, 2nd Street, Madley Road,
   T.Nagar, Chennai 600 017

9. P.Kannan
   No.24, Old No.16-A, 2nd Street, Madley Road,
   T.Nagar, Chennai 600 017

..Respondent(s)

CRP No. 6811 of 2026

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the CRP and set aside the fair order and Decreetal order dated 25-02-2025 made in I.A.No.3/2022 in O.S.No.8574/1978 on the file of the IV Assistant City Civil Court, Chennai and thus render justice

CRP No. 6813 of 2026

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the CRP and set aside the fair order and Decreetal order dated 25-02-2025 made in I.A.No.1/2022 in O.S.No.8574/1978 on the file of the IV Assistant City Civil Court, Chennai and thus render justice

CRP No. 6814 of 2026

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition and set aside the Fair Order and

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Decreetal Order dated 25.02.2025 made in I.A.No.2 of 2022 in O.S.No.8574 of 1978 on the file of the IV Assistant City Civil Court, Chennai.

For Petitioner(s): Mr.Wilson Topaz
in all CRPs

ORDER

These Civil Revision Petitions have been filed under Article 227 of the Constitution of India challenging the fair and decreetal order dated 25-02-2025 passed in IA.Nos.1, 2 & 3 of 2022 in O.S.No.8574 of 1978 on the file of the IV Assistant City Civil Court, Chennai, wherein the applications filed by the petitioner/plaintiff to condone the delay in filing the application to set aside the abatement, to set aside the abatement and to bring on record the legal representatives of the 1st defendant came to be dismissed by the Court below.

2.Heard the learned counsel for the petitioner and carefully perused the materials available on record and this Court also carefully went through the order passed by the Court below.

3.The petitioner is the plaintiff who filed the suit seeking for the relief of recovery of possession and other consequential reliefs. The suit was decreed on 30.11.2000. Appeals were filed by the aggrieved party and the Appellate Court allowed the appeal and remanded the matter for a de nova trial by a common

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judgment dated 22.02.2010. Upon remand, the Trial Court was awaiting for the original documents and it was received on 21.03.2019. A memo was filed before the Court below on 05.09.2019, informing that the 1st defendant had died. Due to the intervening pandemic period, the applications were not filed and ultimately, the applications came to be filed by the petitioner in the year 2022 to condone the delay, to set aside the abatement and to bring on record the legal representatives of the deceased 1st defendant.

4.The Court below has dismissed all these applications on the ground that the delay is exorbitant and it has not been properly explained.

5.This Court is inclined to deal with these Civil Revision Petitions even at the admission stage, since the mere delay in filing the applications cannot, by itself, result in their dismissal, particularly when the suit is admittedly pending and the trial is yet to commence following the order of remand for a *de novo* trial by the Appellate Court.

6.Useful reference can be made to the judgment of the Apex Court in ***Subramani and Ors. vs. Ramasamy and Ors.*** reported in ***2007 3 MLJ 22***, wherein it was held that, in cases dealing with delay in filing an application to set aside the abatement, a liberal construction has to be given for substantial justice.

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7.The Court must keep in mind the fact that the suit was initially decreed and was thereafter remanded by virtue of the judgment passed in the appeal. The suit has been pending before the Court for a long time. Therefore, instead of dismissing the applications on hyper-technical grounds, the Court has to focus on the disposal of the suit. No prejudice will be caused to anyone if the legal representatives of the deceased 1st defendant are brought on record.

8.In the light of the above discussion, the fair and decreetal order passed in IA.Nos.1, 2 & 3 of 2022 in O.S.No.8574 of 1978, is hereby set aside and all these Civil Revision Petitions are allowed. The Court below is directed to implead the legal representatives of the deceased 1st defendant and proceed further with the suit and dispose of the suit in O.S.No.8574 of 1978, within a period of four months from the date of receipt of copy of this order. No Costs. Consequently, the connected miscellaneous petitions are closed.

28-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

The IV Assistant City Civil Court, Chennai.

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N.ANAND VENKATESH J.

SSR

CRP Nos. 6811, 6813 & 6814 of 2026
AND
CMP NO. 29300, 29302 & 29299 OF 2026

28-10-2026

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