



WEB COPY

SA No. 611 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

SA No. 611 of 2025

CMP.Nos.21305, 21306 & 21307 of 2025

J.Gandhimathi,
W/o.Janardhanan, No.32/109, Kamarajar Salai,
Theethampattari Thottam, R.A.Puram, Chennai
-600 028.

..Appellant(s)

Vs

M/s.Arulmigu Vallieswarar Thirukoil,
Rep. by its Chairman S.Prabakaran, No.30, South
Mada Street, Mylapore, Chennai -600 004.

..Respondent(s)

Prayer : Second Appeal filed under section 100 of Code of Civil Procedure to set aside the Judgment and Decree dated 09.07.2025 made in A.S.No.6 of 2024 on the file of XIX Additional Judge, City Civil Court at Chennai, confirming the Judgment and Decree dated 09.10.2023 made in O.S.No.3923 of 2019 on the file of the XVI Assistant Judge, City Civil Court, at Chennai, and dismiss the suit and pass such further or other orders as this Honourable Court may deem it fit and proper in the circumstances of the case and thus render justice.

For Appellant(s): MR.A.Swaminathan

For Respondent(s): MR.S.KUMARAN



JUDGMENT

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Challenging the concurrent findings of the Courts below, the defendant has filed the present Second Appeal.

2. The plaintiff temple has filed the suit in O.S.No.3923 of 2019 as against the defendant for eviction and for arrears of rent and for damages. Admitting ownership of the plaintiff, it is the case of the defendant that the father of the defendant took the property for lease from 1954 and he had constructed super structure with ground plus two floors and after the death of the father of the defendant, the tenancy has also been changed to her name vide lease agreement dated 01.08.2014 and the defendant was paying the rent regularly without any default. It is the specific contention of the appellant that the rent was enhanced arbitrarily.

3. The trial Court after analysing entire evidence, both oral and documentary, had decreed the suit and directed the defendant to vacate and hand over vacant possession of the property and also directed the defendant to arrears of rent and damages at the rate of Rs.10,000/- per month from 01.01.2018 till the date of plaint. After deducting the amount already paid by the defendant within a period of two months.



4. Aggrieved over the same, the defendant had preferred an appeal in A.S.No.06 of 2024. The appellate Court after analysing entire facts and circumstances, had dismissed the appeal and confirmed the findings of the trial Court. Challenging the concurrent findings of the Courts below, the present Second Appeal has been filed.

5. When the matter was taken up today, the appellant and the respondent temple official appeared along with their respective counsel. The learned counsel appearing for the respondent filed a memo stating that arrears of rent payable by the appellant, by calculating the rent as per old rent, which comes to around Rs.10,67,400/-

6. As on date as per the fair rent fixed by the respondent officials, the appellant has to pay Rs.45,000/- per month for the entire property. But the learned counsel appearing for the appellant would contend that the vacant land was leased out to the father appellant and construction was made by the father of the appellant at his cost. Therefore, he raised objection for the above rent.

7. Since there is arrears of rent to the tune of Rs.10,67,400/- as per the fair rent fixed by the respondent and the appellant has not appeared before the respondent in the fair rent proceedings, the appellant is directed to pay a sum of



Rs.30,000/- towards rent from the month of March, 2026 onwards and the appellant shall participate in the fair rent proceedings and work out her remedy in the manner known to law. She is also directed to deposit arrears of rent of Rs.7,00,000/- [Rupees seven lakhs only] within the a period of four months before the respondent temple.

8. With the above directions, this Second Appeal is disposed of. If there is any deviation of this Order, the same shall reviewed. No costs. Consequently, connected miscellaneous petitions are closed.

23-02-2026

vrc

To

1. The XIX Additional Judge,
City civil Court, Chennai.
2. The XVI Assistant Judge,
City Civil Court, Chennai.
3. The Section Officer,
VR Section, High Court, Madras.



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T.V.THAMILSELVI, J.

VRC

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