



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 4743 of 2025

N.Kotteswaran
S/o.M.Nagappan,
No.56/04, Varadhapuram,
Second Street, Kottur,
Chennai 600 085.

Petitioner(s)

Vs

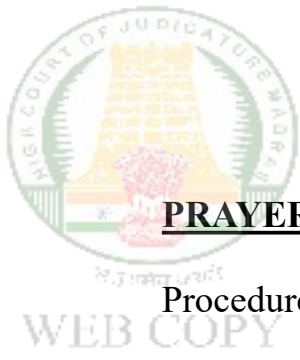
1. T.Selvaraj
S/o.Late Tambiran,
Res. at No.58, Pondichery Road,
Kottur, Chennai 600 085.

2.T.Viswanathan
S/o. Late Tambiran,
Res. at No.58, Pondichery Road,
Kottur, Chennai 600 085.

3.T.Ramasamy
S/o. Late Tambiran,
Res. at No. 58, Pondichery Road,
Kottur, Chennai 600 085.

4.T.Ramesh
S/o. Late Tambiran,
Res. at No. 58, Pondichery Road,
Kottur, Chennai-85.

Respondent(s)



PRAYER: Civil Revision Petition filed under Section 115 of Code of Civil Procedure to allow the CRP and set aside the fair and decreetal order dated 21.04.2025 passed in IA No. 1 of 2024 in A.S.S.R.No.10096 of 2024 by the I Additional City Civil Judge at Chennai.

For Petitioner(s): Mr.M.Selvam

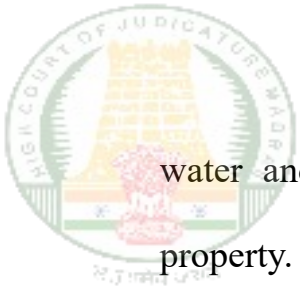
For Respondent(s): Mr.P.Chandrasekar for R2
No appearance for R1, 3 & 4

ORDER

Heard the learned counsel for the parties.

2. The revision petition has been filed challenging the order in I.A.No.1 of 2024 in A.S.S.R.No. 10096 of 2024 on the file of I Additional City Civil Judge, Chennai.

3. The revision petitioner has filed a suit in O.S.No.4710 of 2013 before the VIII Assistant City Civil Court, Chennai, where the revision petitioner sought for relief of permanent injunction restraining all the defendants, their men or agents or any person claiming under them from in any manner preventing the plaintiff from using the common passage and for relief of permanent injunction restraining the defendants, their men or agents or any person claiming under them from preventing the plaintiff in getting sewerage,



water and electricity connections through the common passage to the suit property. The suit for injunction came to be dismissed. In the meantime, the respondents herein had filed a suit in O.S.No.4705 of 2013 before the VIII Assistant City Civil Court, Chennai, declaring that they are the absolute owners of the said passage, which is the subject matter of the suit for permanent injunction.

4. Admittedly, no appeal was preferred by the revision petitioner, challenging the decree passed in the suit for declaration. The revision petitioner has preferred an appeal against the judgment and decree passed in the suit for permanent injunction. The revision petitioner seeks liberty to challenge the decree passed in the suit for declaration filed by the respondents in O.S.No.4705 of 2013 before the VIII Assistant City Civil Court, and he would be satisfied, if such liberty is granted as larger relief of declaration as well as the permanent injunction have been sought for.

5. In the light of the above, I do not see any purpose in directing the revision petitioner to challenge the judgment and the decree passed in the Suit for bare injunction. In any event, the first Appellate Court has confirmed that the petitioner has not made sufficient cause for the delay of 639 days in preferring the first appeal to be condoned. Independently, I have also gone



through the order, and I do not find any merit in the revision petition. At the same time, this order shall not come in the way of revision petition, challenging the judgment and decree in the Suit for declaration in the manner known to law.

6. In the result, this Civil Revision Petition is dismissed. No costs.

05-01-2026

Jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

I Additional City Civil Judge, Chennai.



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P.B.BALAJI J.
jd

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