



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

WEB COPY

CORAM

**THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**CMP No.32792 of 2025
in OSA SR No. 190303 of 2025**

1. Sri Chandraprabha Jain Swetambar Temple
Through its Managing Body
Sri Choolai Bazaar Jain Sangh
@ Shri Choolai Jain Sangh
@ Shri Choolai Moortipujak Jain Sangh
@ Sri Sangh Choolai Bazaar
situated at No.38, Venkatachala Mudali Street
Choolai, Chennai 600 112
and its working committee consisting of

- a) Rajendra Kumar Kochar
- b) Hemchand Vaid
- c) Tarachand Kochar (died)
- d) Punamchand Dakalia
- e) Lalchand Lunavat
alias Milapchand Lunavat (died)
- f) Sunilkumar Sancheti
- g) Heeralal Golecha
- h) Heerachand Nimani
- i) Rajendrakumar Kanuga

Petitioner(s)/Appellants

Vs

- 1. Sri Prakash Chand Golecha
- 2. S. Jadav Chand Kanuga
- 3. Ratan Chand Chhallani
- 4. G. Ashok Chand Dakalia

...1st respondent/2nd defendant



5.K.Tarachand Golecha
6.Suresh Chand Jhabak
7.J.Harak Chand Golecha
T.Shantilal Golecha(died)

Respondent(s) 2 to 7/Plaintiffs

PRAYER

To condone the delay of 53 days in filing the appeal against the order dated 04.09.2025 made in Application No. 3891 of 2025 in C.S. No. 1014 of 2008.

For Petitioner(s): M/s.P.Sunil
For Respondent(s): M/s.P.Prithvi Chopda
for M/s.Dipthi Munoth.A (R7)

ORDER

(Order of the Court was made by C.V.Karthikeyan J.)

This application has been filed by the 1st defendant seeking condonation of delay of 53 days in filing the appeal against the order dated 04.09.2025 made in Application No. 3891 of 2025 in C.S. No. 1014 of 2008. The order in Application No.3891 of 2025 had been passed condoning the delay of nearly 17 years/ 5664 days in filing the written statement of the 2nd defendant in C.S. No. 1014 of 2008.

2. It had been observed by the learned Single Judge that though the delay was considerable, since the suit has been filed to frame a scheme for the plaintiff, it would only be appropriate to permit the 2nd defendant to participate in the judicial proceedings.



3. As a matter of fact, O.S.A. No. 381 of 2025 filed by the same appellants, wherein support was drawn to the written statement filed by the 2nd defendant and a request was made that the 2nd defendant should cross-examine the witness for plaintiffs first. That OSA has been dismissed at the threshold. While dismissing the appeal, this Court held that it could not countenance interference with the trial procedure and had appointed an Advocate Commissioner to record the evidence with remit to complete the process within six months.

4. As a matter of that if the written statement of the 2nd defendant is not taken on file, the 2nd defendant would still have a right to cross-examine the witness of the plaintiffs.

5. Accordingly, the Civil Miscellaneous Petition is dismissed. No costs.

(C.V.K., J.) (K.B., J.)
02-01-2026

Maya



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CMP No. 32792 of 2025



**C.V.KARTHIKEYAN J.
AND
K.KUMARESH BABU J.**

Maya

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