



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

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

CRP No. 2548 of 2025

AND

CMP No. 14520 of 2025

Raji Seshan

W/o Late N R Seshan, Flat No.5E, GEE GEE

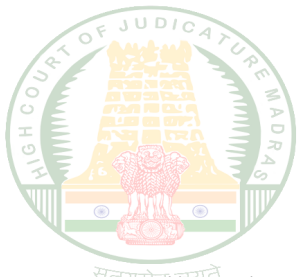
Minar, 5th Floor Door No.23, College Road,

Chennai 600 006.

..Petitioner(s)

Vs

1. T.Ramkumar
S/o R.Thangiah, Res at No.97, Gandhi Road,
Choolaimedu, Chennai 600 094
2. Vasudha Sangaru
W/o T.Ramkumar, Res at No.97, Gandhi Road,
Choolaimedu, Chennai 600094
3. Ramesh Shroff
Flat No.2C, GEE GEE Minar, 5th Floor Door
No.23, College Road, Chennai 600 006
4. Seema Shroff
Flat No.2C, GEE GEE Minar, 5th Floor Door
No.23, College Road, Chennai 600 006
5. Eshita Sethi
Flat No.2C, GEE GEE Minar, 5th Floor Door
No.23, College Road, Chennai 600 006
6. Heeral Construction (p)ltd
Rep by its Managing Director, Having its
registered office at, Shop No.11, Ground Floor,
Gee Gee Minar Complex, No.23/24, College
Road, Nungambakkam, Chennai



..Respondent(s)

CMP No. 14520 of 2025

Raji Seshan

W/o Late N R Seshan, Flat NO.5E, GEE GEE
Minar, 5th Floor Door No.23, College Road,
Chennai 600 006

..Appellant(s)

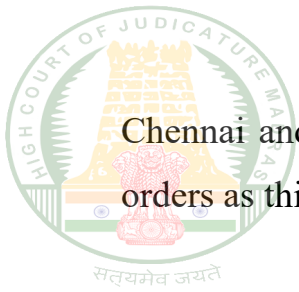
Vs

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..Respondent(s)

CRP No. 2548 of 2025

To set aside the fair and decreetal order dated 20.02.2025 passed in IA.No. 7
of 2024 in OS.No. 6501 of 2023 on the file of the Honble XIX Asst City Civil Court



Chennai and allow the application in IA.No. 7 of 2024 and pass such further or other orders as this Honourable Court may deem fit and necessary and thus render justice

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CMP No. 14520 of 2025

To stay all further proceedings in OS.No. 6501 of 2023 on the file of the Honble XIX Assistant City Civil Court Chennai pending disposal of the Civil Revision Petition and pass such further or other orders and thus render justice

CRP No. 2548 of 2025

For Petitioner(s): Mr. P.R.Umamaheswari

For Respondent(s): Mr.P.Gunaraj for RR1 & 2
Mr.P.R.Balasubramanian for R3
Mr.A.Loba mudra for R4
R5 - Vacated
R6 - Refused
Private notice

R1 - T.Ramkumar S/o R.Thangiah, Res at No.97,
Gandhi Road, Choolaimedu, Chennai 600094
R-2 Vasudha sangaru W/o T.Ramkumar,
Res at No.97, Gandhi Road, Choolaimedu,
Chennai 600094
RR3 TO 5 - No such person
Private notice to counsel

Mr.P.Gururaj through Lower Court Counsel
for RR1 AND 2 - SERVED on 28/06/2025
Mr.A.Kruthika Advocate Lower court counsel
for RR3 AND 4. Served on 30/06/2025

ORDER



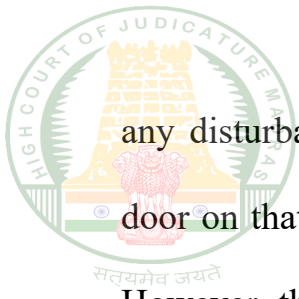
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This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 20.02.2025 passed in I.A.No. 7 of 2024 in O.S.No. 6501 of 2023 on the file of the XIX Assistant City Civil Court, Chennai and allow the application in I.A.No. 7 of 2024.

2. The petitioner herein is the plaintiff and the respondents herein are defendants in the suit in O.S. No.6501 of 2023.

3. The learned counsel for the petitioner would submit that the petitioner/plaintiff has filed the suit in O.S. No.6501 of 2023 seeking for the relief of declaration for the plaintiff's exclusive right and easement right of usage on the passage of an extent of 170 Sq.ft. leading to the flat No.5#, GEE GEE MINAR COMPLEX, 5th Floor, Door No.23, College Road, Nungambakkam, Chennai- 600 006 and permanent injunctions against the defendants. Pending the suit, the petitioner has filed the interim application in I.A. No.7 of 2024 under Order 12 Rule 6 seeking for appropriate orders without Trial based on admissions made by the defendants 3 and 4/respondents 3 and 4 herein.

4.It has been further submitted that the petitioner/plaintiff being an octogenarian, had a convenience of pathway to reach the Lift for nearly 34 years without

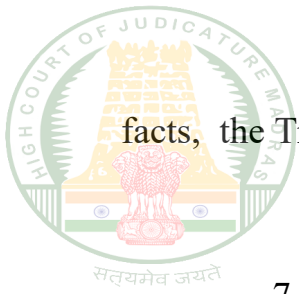


any disturbance. While being so, the defendants/respondents 1 and 2 have put up the door on that passage after demolishing the wall where the window was already put up.

However, the Trial Court has failed to observe that the independent entrance to her flat enjoyed by the petitioner for nearly 34 years, has been now denied due to the main door was put up for their access in the passage after removing the window in the wall.

5. The learned counsel for the petitioner would further submit that the Trial Court failed to note that the all respondents/defendants have admitted in the Written Statement that the passage was used by the Petitioner/Plaintiff without any hindrance for about 34 years. Further, the respondents 3 and 4 who are the vendors to the respondents 1 and 2, categorically admitted to the existence of the wall and usage of the passage by the petitioner till the time they sold the flat to the respondents 1 and 2. Hence on the ground of such factual admissions, the Trial Court ought to have allowed the application filed under Order 12 Rule 6.

6. It has been further submitted that the Trial Court did not interpret that Order 12 Rule 6 empowers the Trial Court to pass appropriate orders and Judgment as it may think fit, having regard to the admissions made by the respondents, without waiting for the determination of any other question between the parties. Hence, the Trial Court ought to have allowed the application on the ground that where facts are admitted, then trial will only delay the result of the suit. However, without considering the aforesaid



facts, the Trial Court has erroneously dismissed the application.

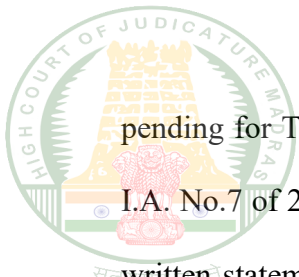
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7. The learned counsel for the respondents would submit that the door has been put up in their independent eastern wall by having the opening towards their hall of flat House No.5C and not opening towards towards said common passage corridor leading to the Petitioner's Flat No.5E without affecting the structural stability or structural safety in accordance with law for which the petitioner has no cause of action to file the suit. Further, in any event, the door put up by the respondents 1 and 2 is not protruding into the socalled 170 sq.ft common passage corridor. The petitioner's legal right is no way affected and there is no detrimental to the value of petitioner's flat.

8. It has been further submitted that the common passage is common to all the flat owners and none of the flat owners can claim the said common facility and common passage corridor in the flat building as their exclusive amenity or exclusive passage of any one of the flat house owners barring the other flat owners residing in the same complex. Hence, the relief sought by the petitioner is liable to be dismissed.

9. Heard both sides and perused the materials available on record.

10. On perusal of the records, it is seen that the petitioner being 80 years old, is claiming the easement right over the common passage leading to the lift from her Flat No.5E which is affected by putting up the door on the eastern side wall by the respondents 1 and 2. Now, the subject matter is



pending for Trial. At this stage, the petitioner/plaintiff filed the application under Order 12 I.A. No.7 of 2024 in O.S. No.6501 of 2023, claiming to decree the suit, based on the admissions in the written statement made by the defendants 3 and 4 who are the vendors to the defendants 1 and 2 in which they have admitted that after purchasing their flat, the respondents 1 and 2 alone shifted the main door of the building on their own idea and they have not authorized nor given any consent to defendants 1 and 2 to change/shift the door leading to Flate No.5E. The Trial Court on hearing both sides held that the matter cannot be decided only on admission made by the defendants and it has to be decided as to whether the respondents have the right to alter the door thereby dismissed the application.

11. It is seen from the records that as per the plan approval, while there is a window on the eastern side in Flat No.5C, the respondents 1 and 2 have altered the same by putting up the main door in the common passage which is used by the petitioner to access from lift to her Flat No.5E for past 34 years. Hence, the petitioner has approached the Trial Court based on the admissions made by the vendors ie. the respondents 3 and 4/defendants 3 and 4 to the respondents 1 and 2/defendants 1 and 2. Without considering the aforesaid facts, the Trial Court has erroneously dismissed the aforesaid application. Hence, this Civil Revision Petition is allowed by setting aside the order dated 20.02.2025 passed by the Trial Court in I.A. No.7 of 2024.

12. Having considered the facts and circumstances of the case and submissions made by the respondents 3 and 4/defendants 3 and 4 who are vendors of the Flat No.5C to the respondents 1 and 2/defendants 1 and 2 and as per the approval plan, the Window has been existed in Flat No.5C on the eastern side for the past 34 years and not for the main door. While if it is altered to Main Door from the Window, it will be considered as structural deviation from the approval plan. Hence, the Trial Court is hereby directed to pass appropriate orders based on the aforesaid facts in I.A. No.7 of 2024 and dispose the main suit within a period of three months from the date of receipt of copy of this order.

13. In the result, the Revision Petition is allowed. No costs. Consequently,



connected miscellaneous petition is closed.

28-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Lbm

CRP No. 2548 of 2025

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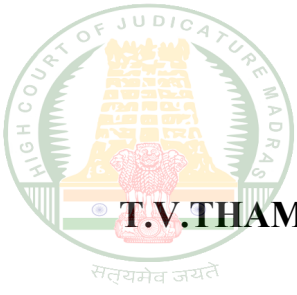


T.V.THAMILSELVI J.

Lbm

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T.V.THAMILSELVI.,J

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At the instance of the learned counsel for the petitioner, the matter has been listed today under the caption “For Being Mentioned”

2. Learned counsel for the petitioner would submit that in paragraph 12, 4th line of the order, the word “window” has been wrongly mentioned instead of the word “Wall” and therefore, seeks necessary corrected in the order dated 28.04.2026.

3. In view of the above submission, the order dated 28.04.2026, at Paragraph No.12, 4th line, the word “Window” is **substituted by the word “ Wall”**.

4. In all other aspects, the order dated 28.04.2026 shall stand unaltered.

5. Registry is directed to carry out necessary correction and issue fresh copy.

18.06.2026

sr

Index:yes/no

Website:yes/no

Speaking Order/Non-speaking Order



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T.V.THAMILSELVI.,J

sr

CRP No. 2548 of 2025

18.06.2026