



C.R.P.No.4174 of 2026

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2026

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P.No.4174 of 2026

G.Ramadass

..Petitioner

Vs.

Arulmigu Krishnaswamy and Kothandaramaswamy
Thirukovil,
Represented by its Executive Officer,
Having its office at
Arulmigu Subramaniaswamy Thirukovil,
Natham, Kunrathur,
Chennai – 600 069.

..Respondent

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 16.03.2026 in O.S.SR.No.489 of 2026 on the file of the District Munsif Court, Sriperumbudur.

For Petitioner : Mr.M.V.Seshachari



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ORDER

This civil revision petition has been filed challenging the impugned docket order dated 16.03.2026 passed by the District Munsif Court, Sriperumbudur in O.S.SR.No.489 of 2026, rejecting the plaint filed by the petitioner on the ground that the suit is barred under Order VII Rule 11(d) of the Code of Civil Procedure.

2. The trial Court, while rejecting the plaint filed by the petitioner has relied upon Section 108 of the Hindu Religious and Charitable Endowments Act, 1959 which deals with bar of suit in respect of the administration or management of the religious institutions. The learned counsel for the petitioner would submit that Section 108 of HR&CE Act, 1959 does not have any bearing on the facts of the suit in O.S.SR.No.489 of 2026, as the said suit was filed by the petitioner to restrain the defendant Temple not to evict the petitioner, except by following the due process established under law.



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3. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice. Admittedly, the petitioner was not afforded any opportunity to place before the trial Court the legal authorities to satisfy the trial Court that the suit filed by the petitioner is maintainable and Section 108 of HR&CE Act, 1959 does not apply to the suit filed by the petitioner.

4. This Court has perused and examined the impugned order and notices from the same that no opportunity of hearing was granted to the petitioner's counsel to satisfy the Court that the suit filed by the petitioner is maintainable and the suit is not hit by Section 108 of HR&CE Act, 1959 as indicated in the impugned order. Since no opportunity of hearing was granted to the petitioner by the trial Court before rejecting the plaint under Order VII Rule 11(d) of CPC, the impugned order dated 16.03.2026 passed by the District Munsif Court at Sriperumbudur in O.S.SR.No.489 of 2026 has to be set aside by this Court and the matter has to be remanded back to the very same Court for fresh consideration with regard to the maintainability of the suit in O.S.SR.No.489 of 2026.



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5. Accordingly, the impugned order dated 16.03.2026 passed by the District Munsif Court at Sriperumbudur in O.S.SR.No.489 of 2026 is hereby set aside by this Court and this Civil Revision Petition is disposed of by directing the District Munsif Court at Sriperumbudur to list the suit in O.S.SR.No.489 of 2026 for maintainability **on 06.08.2026**. On that date, the learned counsel for the petitioner is permitted to appear and convince the District Munsif Court with regard to the maintainability of the suit in O.S.SR.No.489 of 2026. If the trial Court is convinced that the suit is maintainable, the trial Court shall number the suit and issue summons to the defendant and also consider the interlocutory application, if any, filed by the petitioner. If the trial Court decides that the suit is not maintainable, the trial Court will have to pass a speaking order with regard to the contentions of the learned counsel for the petitioner during the course of submissions with regard to the maintainability of the suit.



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6. Registry of this Court is directed to return the original plaint filed in O.S.SR.No.489 of 2026 to the learned counsel for the petitioner to enable the petitioner to represent the same before the trial Court. No costs.

23.07.2026

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

1. The District Munsif Court,
Sriperumbudur.
2. The Executive Officer,
Arulmigu Krishnaswamy and Kothandaramaswamy
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Having its office at
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ABDUL QUDDHOSE, J.

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