

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.10.2016

CORAM

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

C.R.P.PD.Nos.2040 and 2041 of 2010  
and  
M.P.No.1 of 2010

K.Chandrasekaran  
(As representing the villagers  
of vandrasankuppam) ...Petitioner in both C.R.Ps.

- Vs -

Arulmigu Renuka Parameswari Marriamman Koil  
Vanniarapuram,  
Represented by its worshippers for  
themselves and as representing the temple  
and villagers of vanniarapuram  
1) V.Dhandapani  
2) D.Krishnamurthi  
3) Cuddalore Panchayat Union  
by its Commissioner, Cuddalore  
4) Kumalangulam Panchayat  
by its President Kumalangulam,  
Cuddalore Taluk. .... Respondents in both C.R.Ps.

**Prayer in both C.R.Ps:** Civil Revision Petition is filed  
under Article 227 of the Constitution of India against the  
fair and decreetal order dated 25.03.2010 and made in the  
applications in I.A.Nos.1468 and 1470 of 2009 in O.S.No.348  
of 2009, on the file of the learned Additional District  
Munsif, Cuddalore.

|                                |   |                    |
|--------------------------------|---|--------------------|
| For Petitioner                 | : | Mr.S.K.Rakhunathan |
| For Respondents 1 and 2        | : | Mr.R.Gururaj       |
| For 3 <sup>rd</sup> Respondent | : | Mr.R.Revathy       |

**O R D E R**

The fair and decreetal order dated 25.03.2010 and made in the applications in I.A.Nos.1468 and 1470 of 2009 in O.S.No.348 of 2009 on the file of the learned Additional District Munsif, Cuddalore are under challenge in this memorandum of civil revision.

2. The revision petitioner herein is the defendant in the suit, whereas, the 1st respondent herein is the plaintiff and the remaining respondents 2 and 3 are the defendants 2 and 3 in the suit.

3. Obviously, the above said suit in O.S.No.348 of 2009 has been filed by the respondents 1 and 2 herein on behalf of the Temple in the representative capacity seeking the following reliefs:

*'1) declaring that Arulmighu Renuka Parameswari Mariamman Koil, Vanniarpuram, belongs jointly to the villagers of Vanniarpuram and Vandarasankuppam, Cuddalore Taluk under common management.*

*2) Consequently restraining 1<sup>st</sup> defendant and his representatives from interfering with the right of Vanniarpuramvillagers to*

*participate in the management, affairs worship and festivals in Arulmighu Renuka Parameswari Mariamman Koil, Vanniarpuram;*

*3) declaring that the suit 'B' schedule properties belong to Arulmighu Renuka Parameswari Mariamman temple, Vanniarpuram;*

*4) restraining 1<sup>st</sup> defendant and his agents from alienating the suit 'B' schedule properties by a decree of permanent injunction;*

*5) directing the contesting defendants to pay plaintiffs the cost of this suit.''*

4. For the purpose of filing the suit on the representative capacity, the respondents 1 and 2 have filed the applications in I.A.Nos.1468 and 1470 of 2009 under Order 1 Rule 8 of C.P.C. That applications were allowed on 25.03.2010, granting permission to the respondents 1 and 2 to file the suit on representative capacity. This order has been challenged in these revisions.

5. During the course of arguments advanced by both the learned counsels, it was brought to the notice of this Court that a Peace Committee was formed and certain amicable solutions were taken in the said Peace Committee Meeting. However, it is revealed from the records that the suit has been filed by the respondents 1 and 2 on

26.08.2009. Though the defendants have filed their written statement, still the suit is kept pending, as the 1st defendant in the suit had challenged the order passed in I.A.Nos.1468 and 1470 of 2009 against the relief granted to the respondents 1 and 2 for filing the suit on representative capacity.

6. This Court has perused the grounds of revision petitions along with the impugned order.

7. Having taken into consideration the relevant facts and circumstances, this Court is of opinion that no interference in the order passed by the trial court is required. However, this Court is of the view that a direction may be given to the trial court to dispose of the suit within a prescribed period which may be fixed by this Court.

8. Accordingly, both the Civil Revision Petitions are dismissed and the impugned orders dated 25.03.2010 and made in the applications in I.A.Nos.1468 and 1470 of 2009 in O.S.No.348 of 2009 are confirmed and the learned Additional District Munsif, Cuddalore, is directed to dispose of the suit in O.S.No.348 of 2009, within a prescribed period of

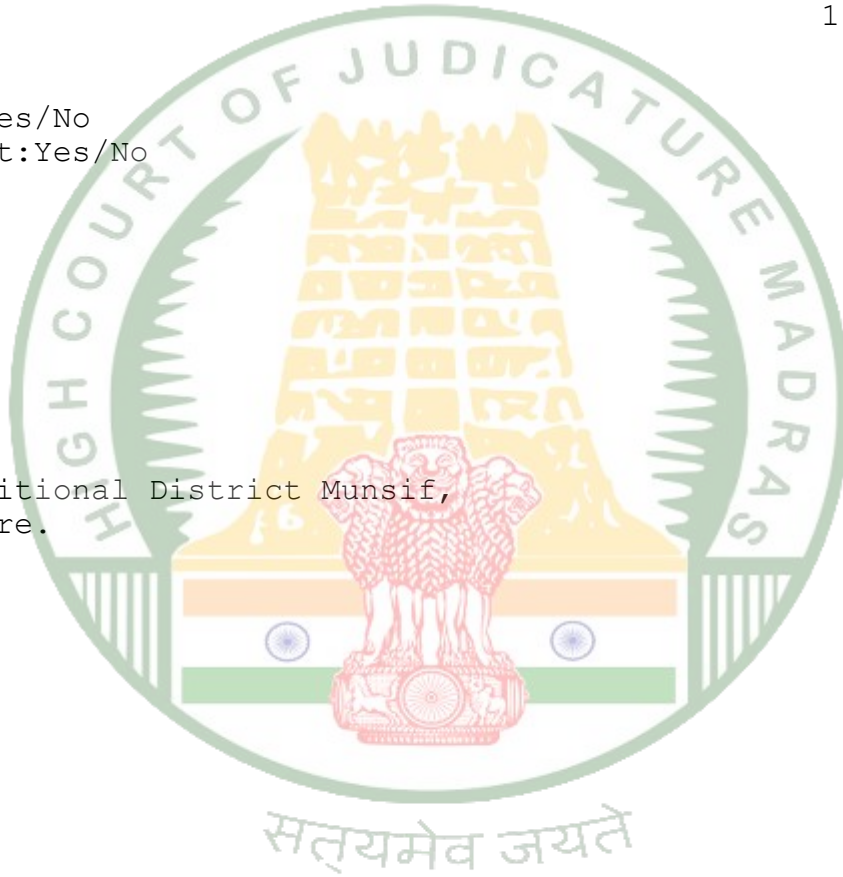
four months from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.10.2016

Index:Yes/No  
Internet:Yes/No  
ssn

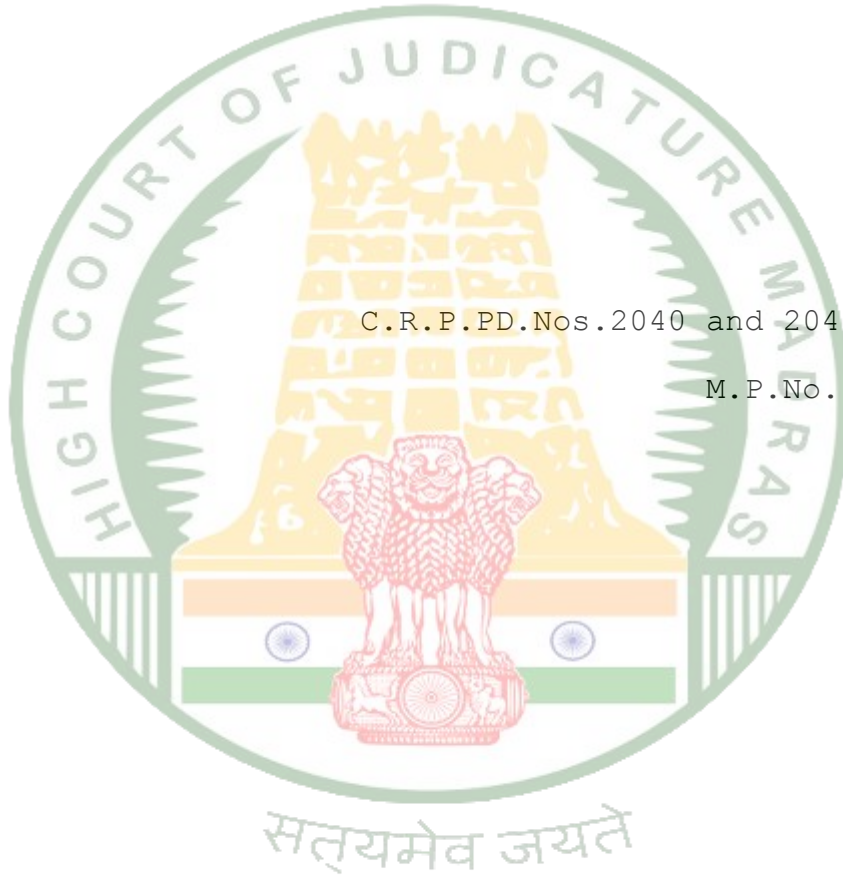
To

The Additional District Munsif,  
Cuddalore.



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T.MATHIVANAN, J.,



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