



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2016

CORAM:

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) No.191 of 2016 (PD)

and

C.M.P. (MD) No.846 of 2016

Arulmigu Porkudaiyar Temple
Mukkudi Village Represented
by its Trusty Karuppaiah Ambalam .. Petitioner

Vs.

- 1.Karuppaiah
- 2.Sivasamy
- 3.Murugan
- 4.Selvan
- 5.Xavier
- 6.Abdul Razhim
- 7.The Commissioner
Hindu Religious & Endowment Department
119, Uthamar Gandhi Salai,
Nunkambakkam,
Chennai-4.
- 8.The Joint Commissioner
Hindu Religious & Endowment Department
Amma Mandabam Road,
Sri Rangam, Trichy
Trichy District.
- 9.The Deputy Commissioner,
Hindu Religious & Endowment Department,
Puthukottai,
Puthukottai District. .. Respondents

PRAYER: Civil Revision Petition is filed, under Article 227 of Constitution of India, to set aside the Fair and Decreetal Order, dated 31.08.2015 passed in I.A.No.1030 of 2014 in O.S.No.115 of 2005 by the District Munsif Court, Aranthangi and allow this revision petition.

For Petitioner : Mr.V.S.Kumaraguru

For R7 to R9 : Mr.G.Muthukannan

Govt. Advocate



ORDER

The petitioner filed O.S.No.115 of 2005 for a Judgment and decree directing the defendants 5 and 6 to deliver the possession of the suit properties to the petitioner's temple after removing the superstructure put up by them. The respondents 1 to 6 filed written statement on 04.11.2008 and 16.09.2008 and they are contesting the suit. After framing issues, trial commenced and during trial, the petitioner filed I.A.No.1030 of 2015 for impleading the respondents 7 to 9, who are the officials of Hindu Religious and Charitable Endowment Department. The respondents 1 to 6 filed counter affidavit and resisted the same. The respondents 1 to 6 stated that the petitioner filed a petition to implead official respondents belatedly and is not maintainable after trial started. At the time of filing of the suit itself, plaint was returned to implead the respondents 7 to 9 as party defendants. At that time, the petitioner stated that they are not necessary parties. The present petition is filed only to fill in lacuna and suit is not maintainable by Karuppaiah Ambalam and he is not a trustee of the petitioner's temple.

2.The learned Judge after considering the materials on record, dismissed the I.A. Against the said order of dismissal, the petitioner has filed the present Civil Revision Petition.

3.The learned counsel for the petitioner submitted that at any stage of the proceedings, the necessary parties may be impleaded as party to the suit. Not impleading the respondents 7 to 9 at the time of filing the suit, is not a bar for the petitioner to implead the respondents 7 to 9 subsequently. The respondents 7 to 9 are necessary and proper parties in order to avoid any technical plea which respondents 1 to 6 take at the time of execution of proceedings.

4.I have heard Mr.V.S.Kumaraguru, learned counsel appearing for the petitioner and Mr.G.Muthukannan, learned counsel appearing for the respondents 7 to 9 and carefully perused the entire materials on record.

5.From the materials it is seen that, the one Karuppaiah Ambalam filed a suit as a Trustee of Arulmigu Porkudaiyar Temple for recovery of the property belonging to the Temple. The respondents 1 to 6 denied that the said Karuppaiah Ambalam is not a Trustee of the Temple and stated that the property is not the temple property and property belongs to the respondents 1 to 6. The petitioner did not take any steps to implead the respondents 7 to 9 either at the time of filing the suit or after the respondents 1 to 6 filed their written statement denying the locus-standi of Karuppaiah Ambalam to maintain the suit. In the <https://hcservices.mca.gov.in/Services/ServiceDetails.aspx?ServiceID=1> the learned Judge correctly had dismissed the I.A., by giving valid reasons. There is no irregularity in the said order warranting interference by this Court.



6. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

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/True Copy/

Sd/-

Assistant Registrar (R)

Sub-Assistant Registrar

To

The District Munsif ,
Aranthangi.

+One cc to Mr.V.S.Kumaraguru, Advocate, SR.No.10055

+One cc to The Special Government Pleader, SR.No.10169

am

RL/4C/SK/SKN/9/3/2016

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