

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.10.2017

Coram

THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

C.R.P.(P.D).No.3854 of 2017
and CMP.No.17986 of 2017

1. Periyannan

2. Palani

3. Kasimani

4. Vadivel

....Petitioners

Vs.

1. Muniyammal

2. Durai

3. Rajeswari

4. Chokkalingam

5. Ranjitham

6. The Commissioner
Hindu Religious and Charitable Endowments
(Admn) Department,
Nungambakkam,
Chennai-1.

..Respondents

Prayer: The Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order as made in I.A.No.326 of 206 in O.S.No.17 of 2011 dated 16.06.2017 on the file of the Sub ordinate Court, Harur, Dharmapuri District.

For Petitioners : Mr.T.Shanmugam

O R D E R

According to the petitioner, one, Sundaram alias Kaveri Gounder filed a suit in O.S.No.17 of 2011 before the Sub Court, Harur challenging the order of the sixth respondent herein in SMR.No.3 of 1990 and uphold the order in OA.No.236 of 1987

declaring the hereditary trusteeship of the plaintiff in the temple namely Arulmighu Kollapuriamman Temple, Irumathur Village, Dharmapuri District. Pending the suit, the plaintiff died on 01.04.2016. Pursuant to the death of the plaintiff, the respondents 1 to 5 herein who are the wife and the children of the aforesaid plaintiff filed an application under Order 22 Rule 3 to implead themselves as a party. The said application was allowed by the court below. Challenging the said order, the petitioner has filed the present Civil Revision Petition before this Court.

2. The learned counsel for the petitioners would submit that the respondents 1 to 5 do not have any right to implead themselves as a party since there is no hereditary devolving upon the respondents 1 to 5. Therefore, allowing the application by the court below is erroneous and without justification. Therefore, the petitioners have filed the present Civil Revision Petition before this Court.

3. Heard the learned counsel for the petitioners and perused the materials available on record.

4. The respondents 1 to 5 have filed the instant application under Order 22 Rule 3 to implead themselves as party in the said suit, after the death of the plaintiff namely Sundaram alias Kaveri Gounder. The petitioners also filed objection for the said application. The court below has allowed the application by holding that the plaintiff Sundaram alias Kaveri Gounder is the father of the respondents 1 to 5. Therefore, they are all necessary party in the said suit and all the issues can be decided at the time of the trial in the suit including objection raised by the petitioners.

5. In the light of the reasons stated by the trial court, there is no error or illegality in the order passed by the trial court. Therefore, this Court does not warrant any interference with the impugned order passed by the court below.

6. In view of the above facts, the Civil Revision Petition fails and accordingly, the Civil Revision Petition is dismissed. The said suit has been filed in the year 2011. Hence, the trial court is directed to dispose of the suit as expeditiously as possible. Consequently, the connected miscellaneous petition is closed. No costs.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

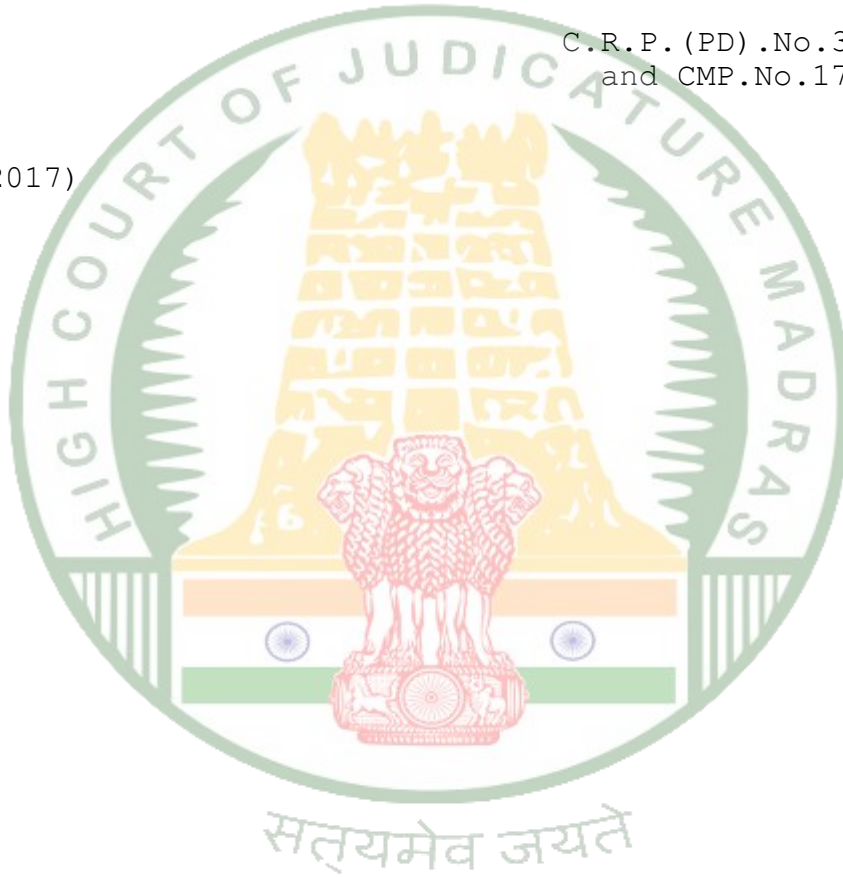
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To

1. The Subordinate Judge,
Harur, Dharmapuri District.

+1 CC to Mr.T. Shanmugam, Advocate sr 75194.

C.R.P. (PD) .No.3854 of 2017
and CMP.No.17986 of 2017

PA (CO)
SP(30/11/2017)



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