

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17.04.2017**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.4412 of 2014

The Idols of Rettappallam
Sri Poorna Sri Pushkala Sri Iyyanar
rep. By its Family Deity Worshippers
Society by its President M.Dhanasingh : Petitioner

versus

1.Kaliyaperumal
2.Samikannu
3.R.Veerappa : Respondents

PRAYER: Revision filed against the order dated 12.06.2014, in I.A.No.989 of 2013 in O.S.No.65 of 2006 on the file of the District Munsif Court, Jayangondam.

For petitioner :: Ms.Usha Ramman

For respondents :: No appearance

ORDER

The petitioner filed an application for impleading, in O.S.No.65 of 2006, before the learned District Munsif, Jayangondam. The learned Trial Judge dismissed the said application notwithstanding the connected suit filed by the petitioner against the respondents before the Subordinate Court, Ariyalur, in O.S.No.126 of 2013. Feeling aggrieved by the dismissal of the interlocutory application for impleading, the unsuccessful petitioner in I.A.No.989 of 2013 in O.S.No.65 of 2006 on the file of the learned District Munsif, Jayangondam, is before this Court.

2. The respondents have initiated a suit in O.S.No.65 of 2006 before the learned District Munsif, Jayangondam, to manage and administer the property. The petitioner appears to have filed a suit in O.S.No.126 of 2013 before the Subordinate Judge, Ariyalur for the relief of declaration that the society is entitled to administer the temple and for consequential injunction.

3. The petitioner filed an application for impleading, on receipt of information with regard to the initiation of suit by the respondents. The learned Trial Judge dismissed the application on the ground that a decree could be passed even without the association of the petitioners.

4. There is a dispute with regard to the management of the temple. There are two suits pending in connection with the management and administration of the temple. The petitioner, who is the plaintiff in O.S.No.126 of 2013 before the Subordinate Court, Ariyalur, was correct in filing an application to implead in O.S.No.65 of 2006. The learned Trial Judge was not correct in dismissing the application, without considering the merits of the matter and more particularly, without reference to the documents marked on the side of the petitioner. I am therefore of the view that the impugned order is liable to be set aside.

5. In the result, the order dated 12 June 2014 is set aside. The application in I.A.No.989 of 2013 is allowed. The petitioner is impleaded as a party to the suit in O.S.No.65 of 2006 on the file of the District Munsif, Jayangondam.

6. In the upshot, I allow the civil revision petition. No costs. Consequently, M.P.No.1 of 2014 is closed.

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Index:Yes/no
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To
The District Munsif Court, Jayangondam.

K.K.SASIDHARAN, J.

(tar)

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