



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) Nos.29 & 50 of 2017

and

C.M.P (MD) Nos.132 & 175 of 2017

1.R.Narayanan (Died)

2.R.Chakrapani

3.R.Shanmugam

4.R.Vijendran

...Petitioners/Respondents/Plaintiffs
in both C.R.Ps.

Vs.

1.Raja @ Pattabiraman

...Respondent/5th Respondent/5th

Plaintiff

2.Sri Lakshmi Narashima Swamy Private trust

Represented by its Trustee, L.Srinivasan

Having his office at No.1, Krishna Rao Agraharam,

Kumbakonam-612001.

...Respondent/Petitioner/2nd Defendant
in both C.R.Ps.

PRAYER: Civil Revision Petitions are filed, under Article 227 of Constitution of India, to call for the records of the lower Court in the Fair and Decretal Order passed by the I Additional District Munsif Court, Kumbakonam in I.A.Nos.92 & 93 of 2010 in O.S.No.334 of 2002, dated 30.06.2010 and allow the above revision petitions and set aside the same.

For Petitioners : Mr. S.Jayaraj

COMMON ORDER

The issue involved in both the CRPs are interlinked and hence, both CRPs are disposed of by common order.

2.The petitioners have filed these Civil Revision Petitions to set aside the Fair and Decretal Order passed by the I Additional District Munsif Court, Kumbakonam in I.A.Nos.92 & 93 of 2010 in O.S.No.334 of 2002, dated 30.06.2010 and allow the above revision petitions.

3.The petitioners are the plaintiffs. The second respondent is the Mutt and it was represented through by its Trustee L.Srinivasan. The second respondent filed I.A.NoS.92 and 93 of 2010 for substituting one V.A.Gururajan in the place of L.Srinivasan to represent second respondent Trust. According to the second respondent, the said V.A.Gururajan was appointed as power agent of second respondent by registered deed. The petitioners opposed the said applications on the ground that L.Srinivasan has no authority to appoint V.A.Gururajan as power agent to second respondent Mutt. The learned Judge considering the averments made in the affidavit and counter affidavit allowed the



applications. The learned Judge held that the petitioners ought to have challenged the power of attorney executed by L.Srinivasan appointing V.A.Gururajan as power agent and validity of the power of attorney cannot be decided in the applications.

4. Against the said order, the petitioners have filed the present Civil Revision Petitions. The said order is dated 30.06.2010 the present civil revision petitions are numbered as C.R.P.Nos.29 and 50 of 2017 and listed for admission.

5. The learned counsel for the petitioners submitted that the second respondent has no right over the suit property and L.Srinivasan, V.A.Gururajan and Ramu and others are colluding together to grab the suit property belonging to the trust, which is in possession of the defendants. V.A.Gururajan died on 02.07.2012 and second respondent is trying to substitute one Ramu by filing memo and therefore, prayed for setting aside the order dated 30.06.2010.

6. I have heard the learned counsel appearing for the petitioners and also perused the entire materials on record.

7. From the grounds in the Civil Revision Petitions and averments made in the affidavit it is seen that V.A.Gururajan, who was substituted by impugned order, died on 02.07.2012. In the circumstances, Civil Revision Petitions challenging the order, dated 30.06.2010 is devoid of merits and is dismissed. It is open to the petitioner to file their objection, if second respondent takes steps to substitute anybody in the place of V.A.Gururajan, which can be decided on merits and in accordance with law.

8. In the result, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

To

The I Additional District Munsif Court,
Kumbakonam.

+1 cc to Mr.P.Prakash, Advocate, SR.No:2108

am

sva/mr/14.02.2017/2p/3c