



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

TUESDAY THE TWENTIETH DAY OF JUNE TWO THOUSAND AND SEVENTEEN

WEB COPY

**The HONOURABLE MR.JUSTICE A.SELVAM**  
**and**  
**The HONOURABLE MR.JUSTICE N.AUTHINATHAN**

A.S.(MD).No.209 of 2011

The Idol of Sri Renganathaswamy, Srirengam  
rep. By its Executive Officer/Joint Commissioner,  
having office at Devasthanam Office,  
Srirengam, Trichy-6. .. Appellant/Third party

Vs

1 Charitable and Religious Trust relating to Nambi Ramakrishnan  
Chettiar and Rengasamy Chettiar Trust represented by the  
Hereditary Trustees 1). 1.Balachandran, 112, Thiruvalluvar Street,  
Srirengam, Trichy-6.

2.Nandakumar

3.Jegannathan

4.Madhu Sudhanan

5.Kesavan

6.Dennadayal Babu ...R 1 to R 6/Plaintiffs

7.L.Balamurugan

8.M.Kumar

9.S.Arjun

10.S.Aravind

11.V.Ramamoorthi

(\*) (RR-8 to 11 are impleaded vide order dated 18.12.2014 made in  
M.P.(MD).NO.1/14 in A.S.No.209 of 2011)

12.The Idol of Arulmigu Prasanna Venkatachalapathy Temple,  
Gunaseelam, rep. By its hereditary trustee  
Gunaseelam, Musiri Taluk, Trichy District.

13.The Idol of Pundaraikaksha Perumal,  
Mannargudi, Manachanallur Taluk,  
Trichy District, rep. By its Executive Officer/



Joint Commissioner,  
A/M. Sri Renganathaswamy Temple,  
Srirengam.

... Respondents R-12 and R-13

(R-12 and R-13 are impleaded vide court order dated 30.09.2015 made in M.P.(md).Nos.2 and 3 of 2015 in A.S.(MD).No.209 of 2011 respectively)

14.K.K.V.Annan Thiruvankadachariar

... Respondent No.14

(R-14 impleaded vide court order dated 30.09.2015 made in M.P.(md).No.4/15 in A.S.(md).No.209/2011).

**Prayer in AS(MD).209/2011:-** First Appeal filed under Section 96 of Civil Procedure Code against the judgment and decree dated 14.07.2011 in O.S.No.166 of 2009 on the file of the I Additional District Judge, Tiruchirappalli.

**Decree:** This Appeal Suit coming on for hearing on this day, upon perusing the grounds of appeal, the order of the I Additional District Judge, Tiruchirappalli and the material records in the case and upon hearing the arguments of Mr.S.Parthasarathy, Senior counsel for Mr.K.Govindarajan, Advocate for the Appellant and of Mr.J.Parekh Kumar, Advocate for R.1, and Mr.R.Vijayakumar, Advocate for R2 and 4 to 6 and of Ms. N.Krishnaveni, Senior Counsel for Mr.S.Deenadhayalan, Advocate for R.3 and of Mr. V.P.Elamparithi, Advocate for R.7 and Mr. AR.L.Sundaresan, Senior counsel for Mr.J.Anandkumar, Advocate for R.8 and of Mr. V.M.Ravichandran Advocate for Mr.A.L.Kannan, Advocate for R.9 to 11 and of Mr.K.Prabhakar Advocate for R.12, and of Mr.R.Murali Advocate for R.13 and Mr.G.R.Swaminathan, Advocate for Mr.T.Antony Arul Raj, Advocate for R.14, this Court while allowing the appeal, doth order and decree as follows:

1.That the Judgment and Decree dated 14/07/2011 passed by the I Additional District Judge, Tiruchirappalli, in OS.No.166/2009, be and hereby are set aside;

2.that the suit in O.S.No.166/2009 be and hereby is remanded back to the Trial Court/ I Additional District Judge, Tiruchirappalli, for fresh disposal in accordance with law.

3.that the Court below do restore the suit to its original number in the register to proceed to dispose of the case as early as possible in the light of observations and directions contained in the judgment herein;

4.that consequently the permission granted for sale be and is hereby set aside and the sale effected by the trustees pursuant to the permission will be deemed void;

5.that the sale amount deposited by the 8<sup>th</sup> respondent be and is hereby directed to be refunded to him along with accrued interest;



6.that the trustees be and hereby are directed to implead the appellant and respondents 12 to 14 herein as defedants to the suit; and if they are impleaded, they shall file their written statements in the suit within two weeks from the date of impleading;

7.that it is open to both parties to adduce necessary evidence in addition to the evidence, which is already on record;

8.that the Trial court/ I additional District Judge, Tiruchirappalli be and is hereby directed to dispose of the case as early as possible;

9.that the appellant be and hereby is entitled to refund of court fee paid by it in the appeal;

10.that the Registry will issue necessary certificate therefor;

11.that the Registry is directed to return the documents filed along with M.P.(MD)No.1/2015 to the appellant.

11.that the parties be and hereby are directed to appear before the trial Court/I additional District Judge, Tiruchirappalli, on 20.07.2017 for the purpose of receiving the directions of the court as to further proceedings in the suit.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The First Additional District Judge,  
Tiruchirappalli.

2.The Sub Registrar of Registration,  
Srirengam Sub-Registration office, Trichy  
[For Information ]

Copy to:

The Record Keeper, V.R.Section,  
Madurai Bench of Madras High Court, Madurai.

(The Record keeper, V.R.Section,Madurai Bench of Madras High Court, Madurai is directed to send the case records to the Trial Court expeditiously)

+1cc to Mr.K.Govindarajan, Advocate,SR.61291  
+1cc to Mr.V.P.Elamparithi, Advocate,SR.60931  
+1cc to Mr.S.Deenadhayalan, Advocate,SR.61089  
+1cc to Mr.AL.Kannan, Advocate,SR.61059  
+1cc to Mr.J.Anandkumar, Advocate,SR.61208

<https://hcservices.ecourts.gov.in/hcservices/>

VS

KK/JC/SAR4-10.07.2017-8P-9C