

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:10.04.2018

CORAM

The Hon'ble Mr.Justice **P.VELMURUGAN**

CRP(PD).No.1252 of 2018 &
C.M.P.No.6397 of 2018

1.Valat Mahavishnu Temple Trust,
Door No.2/158C-1, Valat Mahavishnu
Temple Premises, Ambalamoola Post,
Munnadan Village, Pandalur Taluk,
The Nilgiris Rep by its Founder,
Mr.K.A.Sridharan
S/o.Late Achuthan Chetty.

2.K.A.Sridharan
3.M.Sahadevan Thanpy
4.A.V.Vasudevan
5.A.Shanmughan
6.M.R.Subramanian
7.K.P.Surenderan
8.K.P.Haridoss
9.P.A.Haridoss @ Velayudhan
10.A.K.Gopalan
11.V.Sridharan
12.P.V.Bhaskaran
13.P.K.Subash Chandraboss
14.V.P.Prabhath
15.A.Kesavan Chetty
16.P.C.Rajasekharan
17.A.V.Balaraman
18.M.N.Parasuraman
Petitioners

vs.

1.Devotees of Valat Mahavishnu
temple,
Ambalamoola Represented by
Mr.V.Bhaskaran S/o.K.P.Velu Chetty,
Retired Headmaster,

Door No.4/226, Cheriya Ambalamvayal,
Kuyyunni Post, Pandalur Taluk,
Nilgiris.

2.A.R.Ramachandran
3.A.R.Dharmarajan
4.K.Vijayan
5.Krishnan Kutty
6.Sadhanandhan Chetty
7.P.K.Venugopalan

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Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the judgment and decree dated 19.01.2018 and made in I.A.No.35 of 2017 in O.S.CFR.No.47 of 2017 on the file of the Sub Court, Gudalur, Nilgiris.

For Petitioners ... M/s.B.Ramamoorthy
For Respondents ...M/s.J.Franklin

ORDER

The Civil Revision Petition has been filed by the petitioners against the order in I.A.No.35 of 2017 in O.S.CFR.No.47 of 2017 on the file of the Sub Court, Gudalur, Nilgiris.

2. The respondents filed an application in I.A.No.35 of 2017 under Section 92 of CPC seeking permission of the Court to file the suit in O.S.CFR No.47 of 2017 against the petitioners. The trial Court

after considering the arguments of both sides, granted permission to file the suit. Aggrieved against the said order, the defendants therein filed the present civil revision petition.

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

4. The learned counsel for the petitioners would submit that the first petitioner is a Private Trust and therefore, the suit is not maintainable. Whether it is the Public Trust or Private Trust can only be decided on merits and the trial Court, stating that the Trust is a composite endowment, granted permission to file the suit under Section 92 of CPC.

5. Considering the above facts and circumstances of the case, this Court is of the view that all these issues are to be agitated by the petitioners herein before the trial Court, after filing the written statement. There is no reason to interfere with the order and there is no illegality or infirmity in the order passed by the trial Court.

P.VELMURUGAN.J,
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6. Hence, this Civil Revision Petition is dismissed. No costs.
Consequently connected miscellaneous petition is closed.

10.04.2018

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To

The Sub Court, Gudalur,
Nilgiris.

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