

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P.No.2733 of 2018

in

C.M.P.No. 16059 of 2018

M.Narayanasami

... Petitioner

Vs

1.G.Govindaraj, S/o Gopalakrishnan

Present Trustee

Sri Venkatachalapathy Swamy Temple

2.Govindaraj

3.V.Nandakumar

4.V.Purusothaman

5.V.Venkatraj

6.V.Balaji

... Respondents

Prayer:- Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the docket order dated 13.03.2018 in I.A.Diary No. 8593 of 2017 in O.S.No.23 of 2015 on the file of the learned Sub Judge, Mannargudi and allow the C.R.P.

For petitioner : Mr.D.Bharathy

ORDER

The prayer sought for in the present revision is to to set aside the docket order dated 13.03.2018 in I.A.Diary No. 8593 of 2017 in O.S.No.23 of 2015 on the file of the learned Sub Judge, Mannargudi.

2. The petitioner who claims to be a trustee of Sri Venkatachalapathy Swamy Temple situated at Odathurai, Tiruvarur District has filed the application seeking to implead himself in the present suit. The said application has been returned by the registry of the Subordinate Court, Mannargudi, stating that the legal heirship certificate of Venkatasamy and the records evidencing that the petitioner is a trustee are to be produced. It is the further submission of the learned counsel for the petitioner that though he has produced the legal heirship certificate of Venkatasamy, he is unable to produce the trust deed, which is of the year 1866.

3. In my view, the issue is as to whether the petitioner is a trustee or not would be established during the course of enquiry and such, the registry of the Sub Court, Mannargudi may not be justified in refusing the petition to take on file on this ground.

4. Hence, there shall be a direction to the learned Sub Judge, Mannargudi to take up the petitioner's application in I.A.Diary No. 8593 of 2017 in O.S.No.23 of 2015 and number the same, if it is otherwise in order, within a period of one week from the date of receipt of a copy of this Order.

With the above observation and direction, the Civil Revision Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

18.09.2018

Index : Yes/No
Internet : Yes/No
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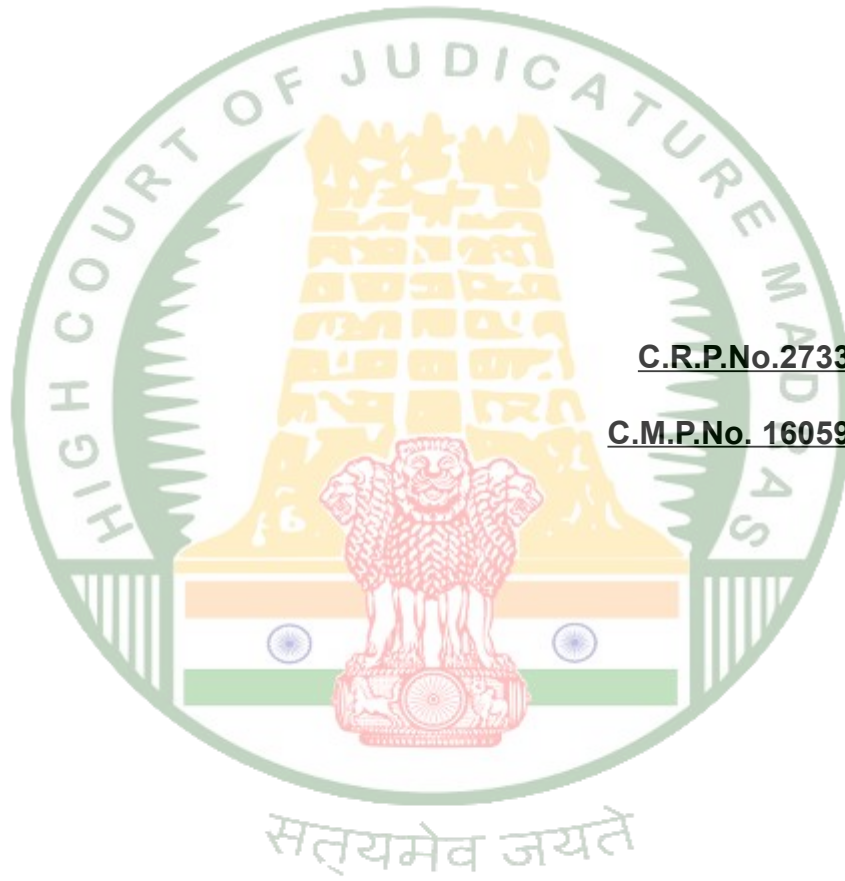
To
The Sub Judge,
Mannargudi.

सत्यमेव जयते

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M.S.RAMESH, J.

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