



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2015

CORAM:

THE HONOURABLE MS.JUSTICE **V.M.VELUMANI**

CMA. (MD) No. 600 of 2009

The Idol of Arulmighu Sri Renganathaswamy,
Represented by its Executive Officer,
Arulmighu Sri Renganathaswamy Devasthanam,
Srirengam,
Trichirapalli.

: Appellant/Petitioner/Plaintiff

Vs.

- 1.Arumugam Pillai
- 2.Renganathan
- 3.Manju Barkavi
- 4.Marimuthu
- 5.K.Ramalingam
- 6.K.Sadiq Basha
- 7.G.Dharman
- 8.V.Nagarajan
- 9.T.Christopher Emmanuel
- 10.L.Dinesh Kumar
- 11.R.Jesurajan

: Respondents /Respondents/ Defendants

Appeal filed under Order 43, Rule 1 (5) of Civil Procedure Code, against the fair and decreetal order, dated 20.04.2009 made in I.A.No.238 of 2009 in O.S.No.170 of 2008 on the file of the I Additional District Judge, Trichirappalli.

For Appellant

: Mr.K.Govindarajan

For Respondents

: Mr.S.Kadarkarai

JUDGMENT

The present appeal is filed against the order, dated 20.04.2009 in I.A.No.238 of 2009 in O.S.No.170 of 2008, on the file of the I Additional District Judge, Trichirappalli.

2.The appellant is the plaintiff in O.S.No.170 of 2008. The respondents are the defendants in the suit. The suit is for decree, for a direction to the respondents to vacate and surrender the vacant possession of the suit schedule property to the appellant for Idol and for pay past profit of Rs.5,000/- and to pay future profit from the date of Plaint to till date of delivery of possession. In the said suit, the first respondent filed I.A.No.238 of 2009, for temporary mandatory injunction, directing the appellant to permit the first respondent to perform the 6th Day Viruppan Thirunal Asththana Mandagappadi and 8th Day Yellakkarai Vazhi nadai Upayam during the Panguni Festival in the suit property.

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

3. The learned I Additional District Judge, Trichy, permitted both the



appellant and the respondents to conduct Mandagappadi Festival jointly, in the presence of Advocate Commissioner. The said order was only for the year 2009. The present appeal is against the said order.

4. At the time of admission, this Court recorded the fact that the Trial Court directed both the parties to perform Mandagapadi Festival in the presence of Advocate Commissioner, for that year only.

5. A reading of plaint shows that, the suit is for recovery of possession and for past and future profits. In view of the said relief, I.A.No.238 of 2009, filed by the first respondent to perform 6th Day Viruppan Thirunal Asththana Mandagappadi and 8th Day Yellakkarai Vazhi Nadai Upayam, during the Panguni Festival in the suit property, is not maintainable. Further, interim mandatory injunction was granted by the Trial Court only, for the year 2009.

6. In view of this fact, the Civil Miscellaneous Appeal is allowed and I.A.No.238 of 2009 in O.S.No.170 of 2008, on the file of the I Additional District Judge, Trichirappalli, is set aside. No costs.

7. It is submitted by the learned counsel for the appellant that the suit is ripe for trial. The suit is of the year 2008, the learned I Additional District Judge, Trichy, is directed to dispose the suit on merits as expeditiously as possible, in any event, not later than 31st December 2015.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To
The I Additional District Judge, Trichy.

Copy to
The Section officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.K.Govindarajan, Advocate in SR.No 37508

+1cc to M/S.S.Kadarkarai, Advocate in SR.No 37737

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