



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **31.10.2018**

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (PD) (MD) .No.686 of 2017

and

C.M.P. (MD) No. 3095 of 2017

Sri Veerabaghavan Swamy Koil,
Aranthangi Thiruppani Kulu Sangam,
represented by its present President,
Ma.Veerababu

... Petitioner

Vs.

1.Annakodi
2.Sathaiah

... Respondents

PRAYER: Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order of the learned Sub Court, Pudukottai in I.A.No.82 of 2015 in O.S.No.350 of 2012 dated 05.10.2016 and to allow this Civil Revision Petition.

For Petitioner : Mr.N.Balakrishnan
For R1 : Mr.K.N.Govardhanan
For R2 : No appearance

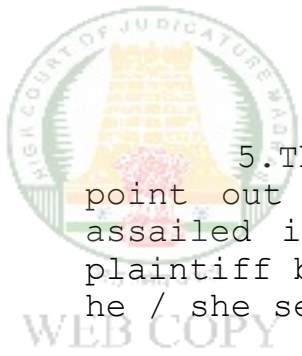
ORDER

O.S.No.350 of 2012 on the file of the Sub Court, Pudukottai was filed by the first respondent herein namely Annakodi against the second respondent herein Sathiah. In the said suit, the revision petitioner filed an I.A., for getting themselves impleaded. The said I.A., was dismissed by order dated 05.10.2016. The same is challenged in this Civil Revision Petition.

2.Heard the learned counsel on either side.

3.It is seen that in respect of the suit property in question, the RDO, Aranthangi had issued proceedings in favour of the second respondent namely Sathiah. But then, the proceedings itself would clearly describe him as a present trustee of Sri Veerabaghavan Swamy Koil. According to the revision petitioner, Sathaiah is no more the trustee of the temple and that the present trustee is one veerababu.

4.The grievance of the revision petitioner is that Sathiah is not evincing any interest. To protect the interest of the temple, the revision petitioner wants to get themselves impleaded.



5. The learned counsel for the contesting respondent would point out that the proceedings of the RDO, Aranthangi have been assailed in another proceedings. He would also contend that the plaintiff being the *dominus litus* is entitled to choose against whom he / she seeks relief.

6. I am of the view that in these proceedings, the title of the respective parties has not been decided. The revision petitioner has placed material indicating their interest in the property in question. The apprehension of the revision petitioner is that if any decree is obtained behind their back, due to the inaction on the part of the second respondent herein, it may have a serious bearing on their rights. This apprehension will have to be necessarily allayed.

7. Therefore, the order impugned in this Civil Revision petition is set aside and this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

8. The suit is of the year 2012. The court below shall dispose of the same on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-II)

To
The Subordinate Judge,
Pudukottai.

Copy to

The Record Keeper, (2 copies)
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.N.Balakrishnan, Advocate Sr.No.93421

PNN

VB/SV/SAR/11.12.2018/2P/5C

ORDER MADE IN
C.R.P. (PD) (MD) .No.686 of 2017
and
C.M.P. (MD) No. 3095 of 2017
31.10.2018