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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2018

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) .No.1613 of 2016

and

C.M.P. (MD) No.7886 of 2016

K.Duraisamy

... Petitioner/Petitioner/
Defendant

Vs.

1. G.Natarajan
2. K.Marimuthu
3. P.Srinivasan

... Respondents/Respondents/
Plaintiffs

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 14.06.2016 passed in I.A.No.926 of 2015 in O.S.No.201 of 2015 by the District Munsif Court, Palani, thereby allowing the Civil Revision petition with costs.

For Petitioner : Mr.S.Anand Chandrasekar,
for M/s.Sarvabhauman Associates.

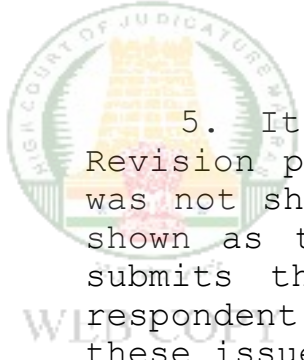
For Respondents : Mr.S.Lakshmanan

O R D E R

The Revision petitioner herein is the defendant in O.S.No.201 of 2015 on the file of the learned District Munsif, Palani.

2. The suit was filed by the villagers. The case of the villagers is that the suit property belongs to a temple and that a declaration should be rendered in that regard. According to them, the Revision petitioner is in possession of the suit property and they want recovery of possession from him.

3. The learned counsel appearing for the Revision petitioner submits that he has been recorded as a cultivating tenant in the revenue record and that therefore, the suit in question is not maintainable under any law. He therefore filed I.A.No.926 of 2015 for rejection of the plaint. The same was dismissed by the order dated 14.06.2016. The correctness of the order in question is assailed in this Civil Revision petition.



5. It is seen that in the proceedings instituted by the Revision petitioner before the record of Tenancy Act, the temple was not shown as respondent. It appears that "Poojari" alone was shown as the respondent. The learned counsel for the respondent submits that the "Poojari" of some other temple was shown as respondent. Be that as it may, this Court is of the view that these issues can be gone into the main suit.

6. Therefore, leaving open all the contentions of the respective parties, the Civil Revision petition stands dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-III)

To

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

+1cc to M/s.Sarvabhauman Associates, Sr.No.77970
+1cc to Mr.S.Lakshmanan, Advocate Sr.No.78196

PMU

VB/RP/SAR3/06.09.2018/2P/6C

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