WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(PD)(MD)No.1785 of 2018
and
C.M.P.(MD)No.7802 of 2018

C.Subramonia Pillai ...Revision Petitioner/ Defendant No.14

-vs-

1.Vetri Velayuthaperumal
2.Murugan ... 1 and 2 Respondents / Plaintiffs

3.Thirupanathal Kasi Thirumadam,
Represented by its Sheer,
Muthukumaraswamy Thambiran,
Thirupananthal Kasi Thirumadam,
Thiruvidai Maruthoor Taluk,
Tanjore District.

4.The Commissioner,
Hindu Religious and Charitable Endowment,
Nungampakkam, Chennai.

5.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Thiruvananthapuram Road,
Palayamkottai, Tirunelveli District.

6.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Tanjore.

7.T.Neela
8.A.Jeyanthi
9.H.Karthikeyan
10.G.Murugesan
11.Rajathi
12.Brucelin
13.S.Sujanaram
14.Mapri Devi
15.P.Rethinakaran ... Respondent Nos.3 to 15 /
Defendant Nos.1 to 13.

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

16.D.Joseph Isac Raja ... 16th Respondent / Defendant No.15

WEB COPY

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to strike off the plaint filed in O.S.No.81 of 2014 on the file of the Principal District Judge At Nagercoil.

For Petitioner: Mr.T.Lajapathi Roy
For R4 to R6 : Mr.M.Karuppasamy,
Government Advocate.

ORDER

The revision petitioner is one of the defendants in O.S.No.81 of 2014 on the file of the Principal District Judge at Nagercoil. According to the learned counsel appearing for the revision petitioner, the suit is, on the very face of it, barred by Section 108 of the Hindu Religious and Charitable Endowments Act, 1959. I am of the view that if that be so, he can very well take out an application under Order 7 Rule 11(d) of C.P.C, instead of moving this Court directly under Article 227 of Constitution of India.

2.The petitioner is directed to file an application before the court below within a period of two weeks from the date of receipt of a copy of this order. After such application is filed, the same shall be disposed of by the court below within a period of four weeks thereafter. Till disposal of such application, the suit proceedings is put on hold.

3. With this liberty, this Civil Revision Petition is closed. No costs. Consequently, connected C.M.P.(MD) No.7802 of 2018 is also closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-IV)

To
1.The Principal District Judge At Nagercoil.

2.The Commissioner,
Hindu Religious and Charitable Endowment,
Nungampakkam,
Chennai.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowment,Thiruvananthapuram Road,
Palayamkottai,
Tirunelveli District.

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

WEB COPY

4.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Tanjore.

+1CC TO MR.T.LAJAPATHI ROY, ADVOCATE IN S.R.NO.80198.
+1CC TO TO SPECIAL GOVERNMENT PLEADER IN S.R.NO.80251.

CM
DS SV SAR-4 08.10.2018 3P/7C

C.R.P.(PD)(MD)No.1785 of 2018
and C.M.P.(MD) No.7802 of 2018

24.08.2018

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