



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD) No.1948 of 2018 (PD)

and

CMP(MD) No.8581 of 2018

1.Veilmuthu

2.Angappa Pillai

... Petitioners/Petitioners/
Defendants

Vs.

1.Padalingam

2.Kombaiya Pandian

3.Murugan Aasari

4.Palani Aasari

5.Vembu Mooppanar

6.Murugaiya Pandian

... Respondents/Respondents/
Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 21.03.2018 passed in I.A No.762 of 2017 in O.S No.133 of 2017 on the file of the District Munsif Court, Kovilpatti.

For Petitioners : Mr.V.Meenakshi Sundaram for
Mr.D.Nallathambi

For Respondents : Mr.M.Prabhu for R1 to R6

ORDER

The defendants in O.S No.133 of 2017 on the file of the District Munsif Court, Kovilpatti are the revision petitioners herein. The revision petitioners filed I.A No.762 of 2017 for rejection of the plaint. The same was dismissed. Questioning the same, this civil revision petition has been filed.



3.The learned counsel appearing for the revision petitioners contended that though the suit prayer is on the face of it not hit by any statutory bar, plaint averments would necessitate rendering a finding with regard to the character of the suit temple in question. He would point out that the character of the religious institution can be decided only by the authorities constituted under the Hindu Religious and Charitable Endowments Act in a petition filed under Section 63 of the Act.

4.This Court had a look at the suit prayer. It is only a prayer for injunction restraining the defendants from alienating the suit premises. Such a suit prayer is definitely maintainable. Therefore, even while sustaining the order impugned in this civil revision petition, this Court makes it clear that the court below shall not frame any issue with regard to the character of the suit temple as to whether it is public or private.

5.With this clarification, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The District Munsif, Kovilpatti.

+1 CC To MR.D.NALLATHAMBI, Advocate SR. NO.88465

+1 CC To MR.M.PRABU, Advocate SR. NO. 88407

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TR/PM/SAR-I (27.10.2018) 2P 4C