



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

WEB COPY

C.R.P (MD)Nos.1445 and 1446 of 2018

and

CMP(MD).Nos.6258 and 6259 of 2018

The Assistant Commissioner,
HR and CE Department,
Nagercoil, Vadiveeswaram Village,
Agasteeswaram Taluk,
Kanyakumari District.

... Petitioners / 1st appellant
in both CRPs

Vs.

1. K. Sivathanumalayan Chettiyar
2.A. Ramachandran
K.C. Manickavasagam (died)
3.K. Chinnu Moopanar
4.K.R. Chithambarathanu
5.Dr.N.C. Thanu
6.K.Sivagurunathan
7.A.K.C. Kumaraswamy
8.K.Ramadhass
9.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 34.
10.V.Nagarajan
11.M.C. Manickavasagam
12.M.Kolappan
13.C.S. Kumaraswamy
14.The Inspector,
HR and CE Department,.
Vadiveeswaram, Nagercoil,
Vadiveeswaram Village,
Agasteeswaram Taluk,
Kanyakumari District.

.. Respondents in
CRP (MD) .No. 1445 of 2018

1. Kottar Chettu Nainar Desika,
Vinayagar Devaswom Trust,
rep. by its Trustees

2.K. Sivathanumalayan Chettiyar
3.A. Ramachandran

<https://hcservices.mca.gov.in/hcservices/>
K.C. Manickavasagam (died)



4.K. Chinnu Moopanar
5.K.R. Chithambarathanu
6.Dr.N.C. Thanu
7.K.Sivagurunathan
8.A.K.C. Kumaraswamy
9.K.Ramadhass
10.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai - 34.
11.V.Nagarajan
12. M.C. Manickavasagam
13. M.Kolappan
14. C.S. Kumaraswamy

.. Respondents in
CRP(MD).No.1446 of 2018

COMMON PRAYER: These Civil Revisions Petitions filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 18.04.2017 passed in I.A.Nos.65 and 593 of 2016 in A.S.Nos. 14 and 13 of 2007 respectively on the file of the II Additional Subordinate Judge, Nagercoil.

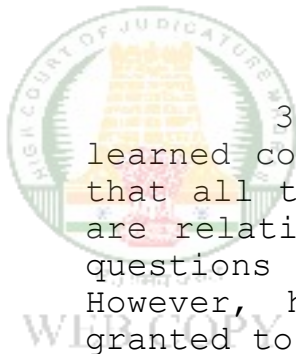
For Petitioner in both CRPs: Mr. M.P. Vinoth
for Mr. R. Subramanian

For R9 & R14 : Mr. R. Sethuraman
in CRP(MD).No.1445 of 2018 Special Government Pleader
and For R10
in CRP(MD).No.1446 of 2018
For R2 to R7 and R10 to R13 : Mr. S. Anand Chandrasekar
in CRP(MD).No.1445 of 2018
For R3 to R8 and R11 to R14
in CRP(MD).No.1446 of 2018

COMMON ORDER

These Civil Revisions Petitions have been filed against the order dated 18.04.2017 passed in I.A.Nos.65 and 593 of 2016 in A.S.Nos. 14 and 13 of 2007 respectively on the file of the learned II Additional Subordinate Judge, Nagercoil.

2. The above two Interlocutory Applications have been filed to accept the counter and petition seeking leave to receive the additional grounds of appeal. The Court below, after considering the submissions made by both sides, dismissed the applications stating that all the grounds raised by the revision petitioners are related to question of law. The question of law could be raised even without amending the appeal memorandum. The appeals were filed in the year 2007 and already 10 years have been lapsed. At this stage, there is no necessity to raise additional grounds of memorandum of appeal on question of law, since the same can be argued without amending the grounds of appeal.



3. Today, when the matters are taken up for hearing, the learned counsel appearing for the revision petitioner would contend that all the additional grounds raised by the revision petitioners are relating to the question of law and he also accepted that the questions of law can be raised even at the time of arguments. However, he requested this Court that appropriate leave may be granted to raise all additional grounds at the time of arguments.

4. I have heard the learned counsel appearing on either side and perused the materials available on record.

5. On perusal of the records, it is seen that the Court below categorically observed that the four additional grounds raised by the revision petitioner is only relating to question of law and the same can be raised even at the time of arguments. Therefore, even though the Court is not granting liberty to the revision petitioner, they are entitled to raise all the additional grounds as stated in the above Interlocutory Applications at the time of arguments. If the revision petitioner raised all the additional grounds as stated in the above Interlocutory Applications, the Court below shall permit him to raise additional grounds at the time of arguments.

6. With the above observation, these Civil Revision Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

II Additional Subordinate Judge,
Nagercoil.

+2 CC to M/s.SARVABHAUMAN ASSOCIATES, Advocate (SR-96578 & 96579)
+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-96667[F] 07/11/2019)

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and
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trp
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