

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.02.2020

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition No.544 of 2020

Thiruneelakandar Nainar Madam,
Chidambaram,
Rep. by its Hereditary Trustee
Mr.M.Murugavel,
No.2, Bole Narayana Pillai Street,
Chidambaram Town and Taluk,
Cuddalore District.

... Petitioner/ Petitioner/ Defendant
-Versus-

- 1.Thiruneelakandar Nainar Madam,
Religious Denominational Institution,
Rep. by
(i) G.Samithurai,
(ii) P.Gangadharan
(iii) Thiruvarasu for themselves and
as representatives of Kulalar (Potters) Community,
.. Respondents1 to 3/ Respondents1 to 3/Plaintiff1 to 3
- 2.Hindu Religious and Charitable Endowment Board,
Rep. by its Joint Commissioner,
Mayiladuthurai.
..4th Respondent/ Respondent 4/ Defendant 1

Petition filed under Article 227 of the Constitution of India, praying to set aside the docket order dated 13.11.2018 made in I.A.SR No.5794 of 2018 in O.S.No.393 of 2004 by the learned Additional District Munsif, Chidambaram, and consequently direct the court below to take the application filed for rejection of plaint into file and proceed with the same as per law.

For Petitioner : Mr.P.Thiagarajan

ORDER

This revision petition has been filed as against the order dated 13.11.2018 made in I.A.SR No.5794 of 2018 in O.S.No.393 of 2004 by the learned Additional District Munsif, Chidambaram,

returning the application filed by the petitioner under Order VII, Rule 11 of CPC seeking to reject the plaint in O.S.No.393 of 2004.

2. The petitioner is the 4th defendant in the suit. The 1st respondent filed the suit for a decree of declaration (i) declaring that plaintiff mutt is a religious denominational institution, managed, maintained and controlled by the denomination of Kulalar (Potter) Community and they have the absolute right over the property, etc., and (ii) permanent injunction restraining the defendants, their men, officials, subordinates and persons claiming under or through them from in any manner interfering with the peaceful possession and enjoyment of the suit property including the right of plaintiffs to maintain, manage and administer the plaintiff mutt. The suit was filed in the year 2004. Pending suit after lapse of nearly 13 years, the petitioner came forward with the application under revision seeking for rejection of the plaint on the ground that already the rights of the petitioner as hereditary trustee has been declared in a Letters Patent Appeal by this court and the suit is barred by law. The court below without advertng to the legal and factual aspects mechanically returned the application holding that the suit was pending for more than 13 years and at this stage the petition is not maintainable. Aggrieved by the same, the 4th defendant in the suit has come forward with this civil revision petition.

3. This revision petition is coming up today for admission. I have heard the learned counsel for the petitioner and also perused the records carefully.

4. The learned counsel for the petitioner would submit that the suit is barred by law and the application for rejection of plaint can be filed at any time and there is no time stipulation for the same. But, the court below without advertng to the legal position has mechanically returned the application holding that the suit has been pending for more than 15 years and the petitioner had not chosen to file any such application all these years and therefore, the learned counsel submitted that the order requires interference at the hands of this court.

5. No doubt, the application for rejection of plaint can be filed at any point of time. But, absolutely, there is no reason for filing the application after 13 years. If at all the petitioner has any valid point for rejection of the plaint, he should have filed the application much earlier. Considering the same, the trial court rightly returned the application. However, considering the fact that the suit has been pending for more than 13 years, this court is inclined to direct the learned Additional District Munsif, Chidambaram, to dispose of the suit

itself with a time frame.

In the result, this civil revision petition is dismissed. However, the learned Additional District Munsif, Chidambaram, Cuddalore District, is directed to dispose of the suit in O.S.No.393 of 2004 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VI)

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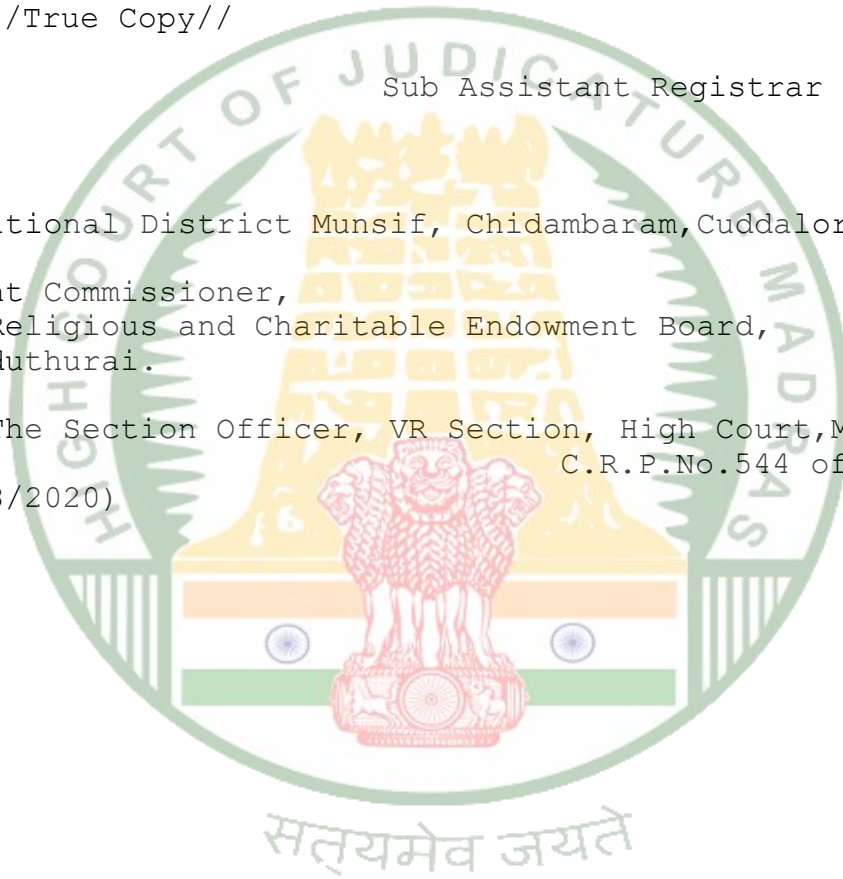
Sub Assistant Registrar

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To

- 1.The Additional District Munsif, Chidambaram, Cuddalore District.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Board,
Mayiladuthurai.

Copy to: The Section Officer, VR Section, High Court, Madras.
C.R.P.No.544 of 2020

A.SK(04/08/2020)



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