

Application.No.2537 of 2020
in C.S.D.No.66974 of 2020
and Application No.2368 of 2020

N.SATHISH KUMAR.J

Application No.2537 of 2020 has been filed to grant leave to sue under Section 92 of the Civil Procedure Code in the suit.

Application No. 2368 of 2020 has been filed to grant leave to the plaintiffs/applicants herein to institute the suit under Section 92 of Civil Procedure Code for framing a scheme for the better administration of the Sri Prasanna Venkata Narasimha Perumal Temple, the 1st defendant/respondent herein, and for other ancillary relief.

2. The main contention of the applicant is that application No.2537 of 2020 filed by the Trustees of the temple with the several allegations made by the parties. The applicant in Application No.2537 of 2020 interalia contented that the defendants committed certain illegalities over the administration and hence, proper scheme has to be framed. Whereas, the main allegation in Application No.2368 of 2020 indicate that the main petitioner in Application No.2537 of 2020, there were proceedings before this Court in a writ petition. Therefore, the contention of the applicants in A.No.2368 of 2020 is that the applicants in A.No.2537 of 2020 are found to be misfeasance and misconduct and there are

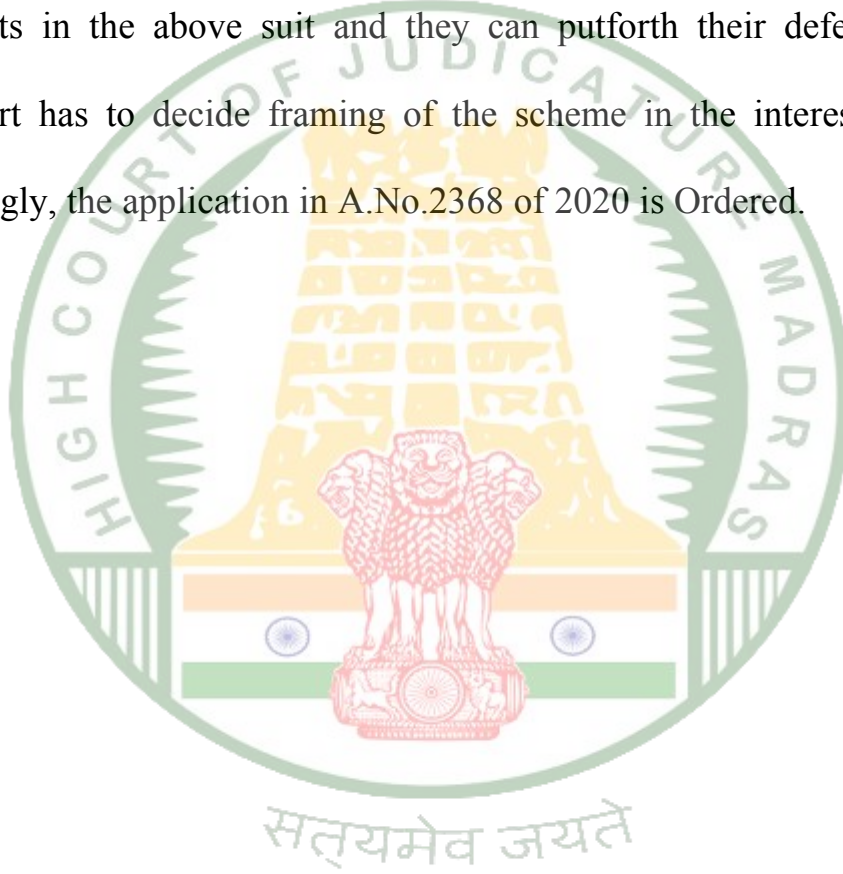
several irregularities committed by them and they have no right to maintain the suit on behalf of the trust.

3. This Court also perused the plaint filed by the applicant in Application No.2537 of 2020.

4. On perusal of the entire plaint, mainly the prayer, it is seen that actually the suit has been filed in the interest of the Dean of the Department of Mechanical Schience at G.K.M.University and prima facie indicate that the suit has been filed only to vindicate the personal rights between the parties. In such view of the matter, this Court is of the view that considering the pleadings and nature of allegations vindicating the personal right the leave cannot be granted as a matter of right.

5. Accordingly, having regard to the nature of the pleadings and further the fact that Order in Writ Petitions in W.P.No.9087 of 2020 and W.A.No.758 of 2020 have been passed against the first applicant, this Court is of the view that the application filed in A.No.2537 of 2020, seeking leave to institute the suit cannot be granted to the applicants and the Application No.2537 of 2020 is dismissed.

6. However, taking into consideration of the fact that A.No.2368 of 2020 filed with several allegations and has been filed with an object to frame the scheme. Accordingly, the leave is granted to the applicants in A.No.2368 of 2020 to maintain the suit and the Applicants in A.No.2368 of 2020 shall be arrayed as defendants in the above suit and they can put forth their defence in that suit. The Court has to decide framing of the scheme in the interest of the temple. Accordingly, the application in A.No.2368 of 2020 is Ordered.



05.11.2020

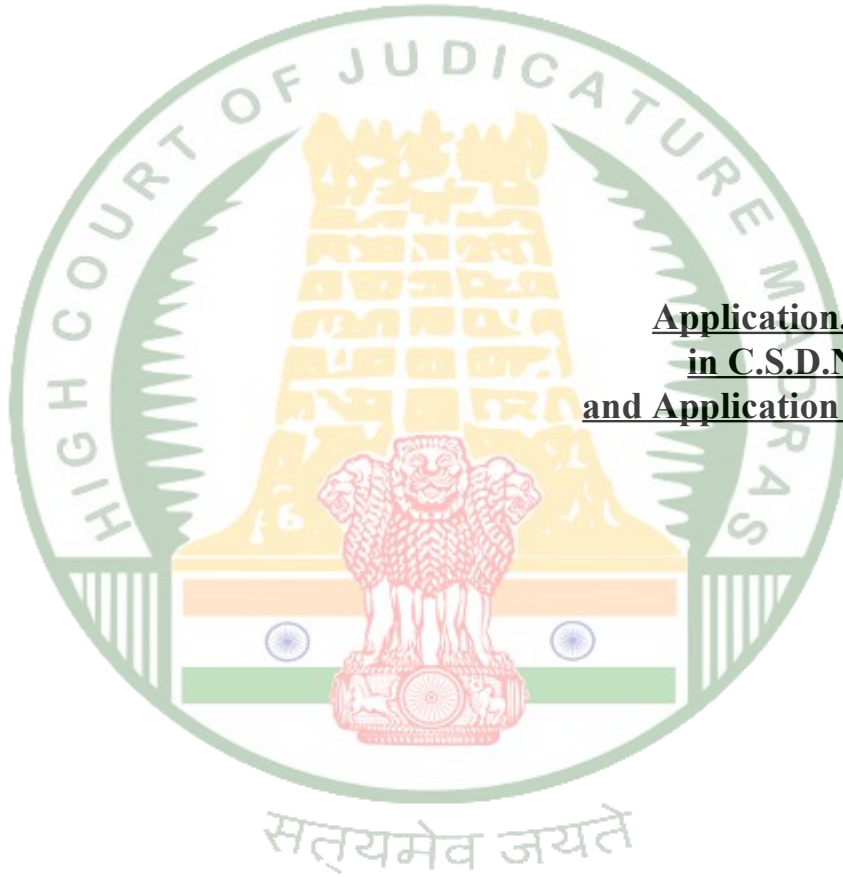
msv

WEB COPY

Application.Nos.2537 and 2368 of 2020

N.SATHISH KUMAR.J

msv



Application.No.2537 of 2020
in C.S.D.No.66974 of 2020
and Application No.2368 of 2020

05.11.2020

WEB COPY