

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2020

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) No.1902 of 2019
and C.M.P.No.12526 of 2019

1.Vasudevan
2.Karpagam
3.Shenbagam
4.Raniammal

... Petitioners

Vs.

Arul Megu Kandhappar Temple,
Situating in Apparao Street,
Kancheepuram Town,
Represented by its hereditary trustee
Mr.R.Nagaraja Gurukkal.

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 01.04.2019 passed in I.A.No.59 of 2019 in O.S.No.273 of 2012 on the file of the Principal District Munsif Court, Kancheepuram.

For Petitioners : Mr.K.Selvamani

For Caveator : Mr.P.B.Ramanujam

ORDER

Challenging the order of Trial Court in permitting amendment of
plaint, the aggrieved defendants have preferred this Civil Revision petition.

2. According to the learned counsel for the revision petitioners the
amendment sought is barred by limitation and the Court fee paid is also not in
accordance with law. Therefore, the Trial Court ought not to have permitted
the amendment.

3. Learned counsel for the petitioner would vehemently contend that
for declaratory relief 3 years is the limitation period where as the amendment
is sought to be filed after six years and therefore it is clearly barred by law
and the property was not correctly valued and therefore payment of Court fee
is also not correct.

4. Learned counsel for the respondent would contend that the respondent would contend that petitioner/plaintiff is a temple and as per Sec.109 of Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, Law of Limitation will not apply in respect of the temple and that even though it is stated that suit was filed in the year 2012, the additional written statement came to be filed only 15.08.2013 and 16.08.2018 wherein the title has been disputed by the petitioners/defendants which necessitated amendment . Therefore, there is no delay in filing the application.

5. I have considered the submissions.

6. As per Sec. 109 Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, Limitation will not apply to temples and therefore, I do not find any infirmity in the order passed by the Trial Court. Further, as contended by the petitioners, if the suit is filed by a hereditary trustee in his individual capacity and not on behalf of the temple, it can be raised before the Trial Court as a issue. Since the title was denied by the defendant, the

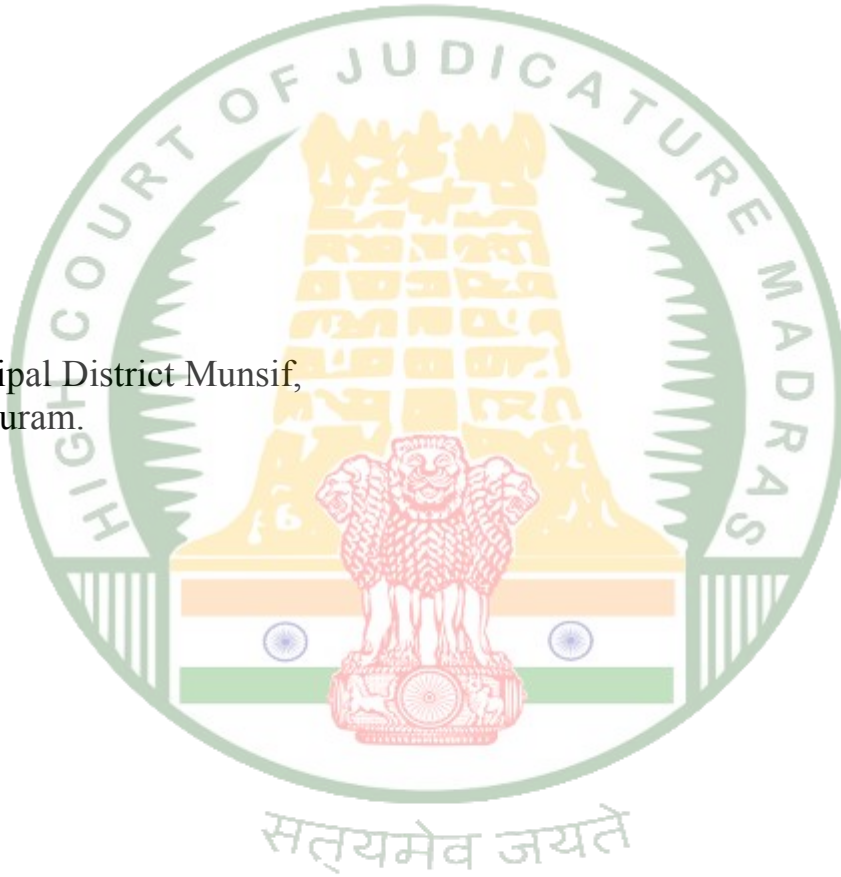
plaintiff is entitled to amend the relief. Therefore, I do not find any discrepancy in the order. Accordingly, Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.09.2020

ms

To

The Principal District Munsif,
Kancheepuram.



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M.GOVINDARAJ, J.

ms/kpr



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