

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P(PD)Nos. 3393, 3395 & 3396 of 2018

and

C.M.P.No. 19160 of 2018

K.Vijayan

...Petitioner in all CRPs

Vs.

1.Sri.Uoo.Ve.Ko.Ka.Sam.Kumarasingarachariar

2.Sri.Uoo.Ve.Ko.Ka.Sam.Kumarathottachariar

3.Sri.Uoo.Ve.Ko.Ka.Sam.Srinivasachariar

4.Srimathi Rengamani

5.Srimathi B.B.Thirumamagal

6.Srimathi K.K.E.Vakula

7.K.Srimathi Revathi

8.Srimathi B.B.Sudha

9.Srimathi Geetha

...Respondents in all CRPs

Prayer in all CRPs: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and final order of District Munsif Court, Sirkali dated 23.07.2018 made in I.A.Nos. 596, 597 & 598 of 2016 in O.S.NO. 179 of 2013.

For Petitioner in all CRPs : Mr.S.Sounthar

For Respondents in all CRPs :Mr.A.Muthukumar

COMMON ORDER

These three revisions have been filed as against the dismissal of the applications filed by the plaintiff seeking to set aside the abatement caused by the death of the first defendant, to set aside the abatement and to bring on record the legal representatives of the first defendant.

2. Though the delay was only 298 days and the Trial Court ought not to have dismissed the application for condonation of delay., Mr.A.Muthukumar, learned counsel for the respondents would submit that the very suit has become infructuous because of the subsequent developments. The suit is one for an injunction restraining the respondents from interfering with the possession of the plaintiff except under due process of law. The title of the defendants in the suit is admitted. All that the plaintiff would plead is that he is in permissive possession of the property and the defendants are attempting to interfere with his possession in execution of a decree in O.S.No. 244 of 1986 which, according to him, does not relate to the suit property.

3. Mr.A.Muthukumar, learned counsel for the respondents / defendants in the suit would submit that the respondents have already launched proceedings under Section 78 of the Tamilnadu Hindu Religious and Charitable Endowments Act, 1959 and the same are pending before the Joint Commissioner (HR & CE), Mayiladuthurai. According to him, once the temple authorities have taken steps for eviction of the plaintiff under Section 78, the prayer for injunction restraining the defendants from interfering with his possession except under due process of law does not survive.

4. Mr.S.Sounthar, learned counsel for the petitioner is unable to dispute the statement made by the counsel with regard to the pendency of the proceedings under Section 78 of the Tamilnadu Hindu Religious and Charitable Endowments Act, 1959.

5. The said statement made by the learned counsel for the respondents to the effect that the proceedings under Section 78 pending on

the file of the Joint Commissioner (HR & CE) is recorded and all these civil revision petitions are dismissed as the suit itself has become infructuous. No costs. Consequently, connected miscellaneous petition is closed.

15.12.2020

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Internet: Yes/No

Index: Yes/No

Speaking / Non-speaking.

To:

The District Munsif Court,
Sirkali.



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R.SUBRAMANIAN, J.

KKN



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