



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2020

CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN

WEB COPY

C.R.P (NPD) (MD) Nos.1407, 1408, 1411, 1412, 1413, 1414, 1415, 1467, 1468, 1469, 1470, 1518, 1521, 1523, 1525, 1526, 1528, 1530, 1531, 1532, 1533, 1534, 1535, 1536 & 1542 of 2011
and
126, 131, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 462, 463, 1199, 1200, 1296, 1328, 1355, 1356 & 1357 of 2012

Pattukkottai Munsifi, Pattukkottai Town,
73, Big Bazaar Street, Pattukottai,
Mathusri Akkaboi Amman Chatram Charities,
Pattukkottai by its
Hereditary Trustee VRY Anandakumar.

... Petitioner in C.R.P (NPD) (MD) No.1407 of 2011

Mathusri Akkaboi Ammani Charities by its Hereditary Trustee VRY
Anandakumar, Residing At 73, Big Bazaar Street,
Pattukottai Town and Munsifi.

... Petitioner in CRP (NPD) (MD) No. 1408/ 2011

Pattukottai Munsif, Town 73, Big Bazaar Street, Mathusri Akkabai
Ammani Trustee, by its Hereditary VRY Anandakumar

... Petitioner in CRP (NPD) (MD) No. 1411/ 2011

Mathusri Akkaboi Ammani Charities, by its Hereditary Trustee,
VRY Anandakumar, 73, Big Bazaar Street, Pattukottai Town &
Munisifi.

... Petitioner in CRP (NPD) (MD) No. 1412/ 2011

Mathusri Akkaboi Ammani Trust By its Hereditary Trustee, VRY
Anandakumar, No.73, Big Bazaar Street, Pattukottai Town & Taluk &
Munsifi.

... Petitioner in CRP (NPD) (MD) No. 1413/ 2011

Mathusri Akkaboi Ammani Trust By its Hereditary Trustee, VRY
Anandakumar, No.73, Big Bazaar Street, Pattukottai Taluk &
Munsifi.

... Petitioner in CRP (NPD) (MD) No. 1414/ 2011



Mathusri Akkaboi Ammani Charities, by its Hereditary Trustee,
VRY Anandakumar, 73, Big Bazaar Street, Pattukottai Town,
Pattukottai Taluk & Munisifi.

... Petitioner in CRP(NPD) (MD)No. 1415/ 2011

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Mathusri Akkaboi Ammani Charities by its Hereditary Trustee VRY
Anandakumar
Residing At: 73, Big Bazaar Street, Pattukottai Town and Munisifi.

... Petitioner in CRP(NPD) (MD)No. 1467/ 2011

Mathusri Akkaboi Ammani Charities by its Hereditary Trustee VRY
Anandakumar
Residing At: 73, Big Bazaar Street, Pattukottai Town and Munisifi.

... Petitioner in CRP(NPD) (MD)No. 1468/ 2011

Mathusri Akkaboi Ammani Charities by its Hereditary Trustee VRY
Anandakumar
Residing At: 73, Big Bazaar Street, Pattukottai Town and Munisifi.

... Petitioner in CRP(NPD) (MD)No. 1469/ 2011

Mathusri Akkaboi Ammani Charities by its Hereditary Trustee VRY
Anandakumar
Residing At: 73, Big Bazaar Street, Pattukottai Town and Munisifi.

... Petitioner in CRP(NPD) (MD)No.1470/ 2011

Mathusri Akkabai Ammani Chatram, by its Hereditary Trustee
Anandakumar, Resi.At:big Bazaar St., Pattukottai Taluk,
Cusba Pattukottai.

... Petitioner in CRP(NPD) (MD)No. 1518/ 2011

Mathusri Akkaboi Ammani Chatram Charties, Pattukottai by its
Present Hereditary Trustee Anandakumar Adopted S/o.Nagoje
Ramachandra, Gatike Rao Saheb,
Big St.,Pattukottai.

... Petitioner in CRP(NPD) (MD)No. 1521/ 2011

Pattukottai Taluk, Kasba Pattukottai Big Bazaar Street,
Mathu Sri Akkabai Ammani Chatram by its Hereditary Trustee VRY
Anandakumar ... Petitioner in CRP(NPD) (MD)No. 1523/ 2011

Mathusri Akkaboi Ammani Charities, by its Hereditary Trustee
VRY Anandakumar, Residing at 73, Big Bazaar Street,
Pattukottai Town and Munsifi

... Petitioner in CRP(NPD) (MD)No. 1525/ 2011

Mathusri Akkaboi Ammani Trust By its Hereditary Trustee, VRY
Anandakumar, 73, Big Bazaar Street, Pattukottai Town, Pattukottai
Taluk and Munsifi.

... Petitioner in CRP(NPD) (MD)No. 1526/ 2011



Mathusri Akkabai Ammani Trust By its Hereditary Trustee, VRY Anandakumar, 73, Big Bazaar Street, Pattukottai Town, Pattukottai Taluk and Munsifi.

... Petitioner in CRP(NPD) (MD)No. 1528/ 2011

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Mathusri Akkaboi Ammani Trust by its Hereditary Trustee, VRY Anandakumar, No.73, Big Bazaar Street, Pattukottai Town Taluk and Munsifi.

... Petitioner in CRP(NPD) (MD)No. 1530/ 2011

Mathusri Akkaboi Ammani Chatram Charities by its Hereditary Trustee, VRY Anandakumar, No.73, Big Bazaar Street, Pattukottai Town and Munsifi.

... Petitioner in CRP(NPD) (MD)No. 1531/ 2011

Mathusri Akkaboi Ammani Trust By its Hereditary Trustee, VRY Anandakumar, 73, Big Bazaar Street, Pattukottai Town, Pattukottai Taluk and Munsifi.

... Petitioner in CRP(NPD) (MD)No. 1532/ 2011

Pattukottai Town, 73, Big Bazaar St, Pattukottai Mathusri Akkaboi Ammani Chatram Charities Pattukottai by its Hereditary Trustee Nagoje Ramachandra Gatike Rao Died Now by VRY Anandakumar

... Petitioner in CRP(NPD) (MD)No. 1533/ 2011

Mathusri Akkaboi Ammani Charities by its Hereditary Trustee, VRY Anandakumar, 73, Big Bazaar Street, Pattukottai Town.

... Petitioner in CRP(NPD) (MD)No. 1534/ 2011

Mathusri Akkaboi Ammani Cherities By its Hereditary Trustee, VRY Anandakumar, 73, Big Bazaar Street, Pattukottai Town.

... Petitioner in CRP(NPD) (MD)No. 1535/ 2011

Mathusri Akkabai Ammani Charities, by its Hereditary Trustee, VRY Anandakumar, 73, Big Bazaar Street, Pattukottai Town.

... Petitioner in CRP(NPD) (MD)No. 1536/ 2011

Mathusri Akkaboi Ammani Charities by its Hereditary Trustee VRY Anandakumar,
73, Big Bazaar Street, Pattukottai Town.

... Petitioner in CRP(NPD) (MD)No. 1542/ 2011

Mathusri Akkaboi Ammani Trust By its Hereditary Trustee, VRY Anandakumar, Resi. At: 73, Big Bazaar Street, Pattukottai Town, Pattukottai Taluk and Munsifi.

... Petitioner in CRP(NPD) (MD)No.126/ 2012



Mathusri Akkaboi Ammani Charities by its Hereditary Trustee VRY Anandakumar, Resi At:73, Big Bazaar Street, Pattukottai Town & Munsifi.

... Petitioner in CRP(NPD) (MD)No. 131/ 2012

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Mathusri Akkaboi Ammani Charities by its Hereditary Trustee VRY Anandakumar, Resi.At 73, Big Bazaar Street, Pattukottai Town and Munsifi.

... Petitioner in CRP(NPD) (MD)No. 277/ 2012

Mathusri Akkaboi Ammani Trust by its Hereditary Trustee VRY Anandakumar, Resi.At 73, Big Bazaar Street, Pattukottai Town and Munsifi.

... Petitioner in CRP(NPD) (MD)No. 278/ 2012

Mathusri Akkaboi Ammani Charities by its Hereditary Trustee VRY Anandakumar, Resi.At 73, Big Bazaar Street, Pattukottai Town and Munsifi.

... Petitioner in CRP(NPD) (MD)No. 279/ 2012

Mathusri Akkaboi Ammani Trust by its Hereditary Trustee VRY Anandakumar, Resi.At 73, Big Bazaar Street, Pattukottai Town, Pattukottai Taluk and Munsifi.

... Petitioner in CRP(NPD) (MD)No. 280/ 2012

Mathusri Akkaboi Ammani Charities by its Hereditary Trustee VRY Anandakumar, Resi.At 73, Big Bazaar Street, Pattukottai Town and Munsifi.

... Petitioner in CRP(NPD) (MD)No. 281/ 2012

Mathusri Akkaboi Ammani Chatram Charities by its Hereditary Trustee VRY Anandakumar, Pattukottai Town, 73 Big Bazaar Street.

... Petitioner in CRP(NPD) (MD)No. 282/ 2012

Mathusri Akkaboi Ammani Charities by its Hereditary Trustee VRY Anandakumar, Resi.At 73, Big Bazaar Street, Pattukottai Town and Munsifi.

... Petitioner in CRP(NPD) (MD)No. 283/ 2012

Mathusri Akkaboi Ammani Trust by its Hereditary Trustee VRY Anandakumar, Resi.At 73, Big Bazaar Street, Pattukottai Town and Munsifi.

... Petitioner in CRP(NPD) (MD)No. 284/ 2012

Mathusri Akkaboi Ammani Chatram Charities by its Hereditary Trustee VRY Anandakumar, Resi.At 73, Big Bazaar Street, Pattukottai Taluk, Cusba Pattukottai

... Petitioner in CRP(NPD) (MD)No. 285/ 2012



Mathusri Akkaboi Ammani Charities by its Hereditary Trustee VRY Anandakumar, Resi.At 73, Big Bazaar Street, Pattukottai Town.
... Petitioner in CRP(NPD) (MD)No. 286/ 2012

Mathusri Akkaboi Ammani Charities by its Hereditary Trustee VRY Anandakumar, Resi.At 73, Big Bazaar Street, Pattukottai Town and Munsifi.
... Petitioner in CRP(NPD) (MD)No. 287/ 2012

Mathusri Akkaboi Ammani Charities by its Hereditary Trustee VRY Anandakumar, Resi.At 73, Big Bazaar Street, Pattukottai.
... Petitioner in CRP(NPD) (MD)No. 288/ 2012

Mathusri Akkabai Ammani Chatram Charities, Pattukottai
Represented by its Hereditary Trustee Nagoje Ramachandra Gatike Rao Since Deceased
Now by Hereditary Trustee Minor Anandakumar Aged 16 by Guardian D. Sadasiva Rao, Residing at Big Bazaar Street, Pattukottai.
... Petitioner in CRP(NPD) (MD)No. 462/ 2012

Mathusri Akkabai Ammani Chatram Charities, Pattukottai
Represented by its Hereditary Trustee Formerly Nagoja Ramachandra Gatike Rao Since Deceased
Now by Hereditary Trustee VRY Anandakumar Aged 29 Residing at 73, Big Bazaar Street, Pattukottai Taluk and Munsifi.
... Petitioner in CRP(NPD) (MD)No. 463/ 2012

Mathusri Akkaboi Ammani Chathiram Charities, Pattukottai Rep.By its Hereditary Trustee Formerly Nagoje Ramachandra Gateke Rao Since Deceased
Now by Hereditary Trustee Minor Anandakumar Aged 16 by Guardian D.Sadasiva Rao,Big Bazaar St,Patukottai.
... Petitioner in CRP(NPD) (MD)No. 1199/ 2012

Mathusri Akkaboi Ammani Chatram, Charities Pattukottai Rep.By its Hereditary Trustee formerly Naogje Ramachandra Gatike Rao Since Deceased Now aged 16 Trustee Minor.Anandakumar by Guardian D.Sadasiva Rao,
... Petitioner in CRP(NPD) (MD)No. 1200/ 2012

Mathusri Akkaboi Ammani Charities, by its Hereditary Trustee VRY Anandakumar.
... Petitioner in CRP(NPD) (MD)No. 1296/ 2012

Mathusri Akkaboi Ammani Chathiram Charities, Pattukottai Rep.By its Formerly Hereditary Trustee Nagoje Ramachandra Gatike Rao since Deceased Now by Trustee Anandakumar.
... Petitioner in CRP(NPD) (MD)No. 1328/ 2012



Mathusri Akkaboi Ammani Chatiram, Charities, Pattukottai, Rep
Hereditary Trustee formerly Nagoje Ramachandra Gatike Rao Since
Deceased Now by Hereditary Trustee Anandakumar, Bigbazar Street,
Pattukottai. ... Petitioner in CRP(NPD) (MD)No. 1355/ 2012

Mathusri Akkaboi Ammani Charities, by its Hereditary Trustee VRY
Anandakumar, Residing at 73, Big Bazaar Street, Pattukottai Town
and Munsifi.

... Petitioner in CRP(NPD) (MD)No. 1356/ 2012

Mathusri Akkaboi Ammani Chatiram, Ram Charities, Pattukottai
Rep.By its Hereditary Trustee Formerly Nagoje Ramachandra Gatike
Rao since deceased, Now by Hereditary Trustee Anandakumar,
Pattukottai ... Petitioner in CRP(NPD) (MD)No. 1357/ 2012

Vs.

Krishnasamy Ayyar

... Respondent in C.R.P(NPD) (MD)No.1407 of 2011

Govindan Konar

... Respondent in CRP(NPD) (MD)No. 1408/ 2011

Seerangathammal

... Respondent in CRP(NPD) (MD)No. 1411/ 2011

Sevakangai Ammal

... Respondent in CRP(NPD) (MD)No. 1412/ 2011

Sannasi

... Respondent in CRP(NPD) (MD)No. 1413/ 2011

Rethinam

... Respondent in CRP(NPD) (MD)No. 1414/ 2011

Pushpalambal

... Respondent in CRP(NPD) (MD)No. 1415/ 2011

Marimuthu

... Respondent in CRP(NPD) (MD)No. 1467/ 2011

Karupiya Udaiyar (Died)

1) Pitchai S/o.Karupiya Udayar

... Respondent in CRP(NPD) (MD)No. 1468/ 2011

Ramiya Konar

... Respondent in CRP(NPD) (MD)No. 1469/ 2011

1. Adaikalam

2. Ramayee

... Respondents in CRP(NPD) (MD)No. 1470/ 2011

Srinivasa Konar (Died)

1) Paneerselvam S/o.Srinivasa Konar

2) Annadurai, S/o.Srinivasa Konar

3) Elango S/o.Srinivasa Konar

... Respondents in CRP(NPD) (MD)No. 1518/ 2011



Govindammal

... Respondent in CRP (NPD) (MD) No. 1521/ 2011

Shanmuga Thevar (Died)

- 1) S. Paranjothi S/o. Shanmuga Thevar
- 2) Ambujathammal W/o. Shanmuga Thevar
- 3) Ellamathi W/o. Umapathi
- 4) Banumathi W/o. Selvaraj
- 5) Valarmathi W/o. Rajendran
- 6) Usharani D/o. Shanmuga Thevar
- 7) Tamilselvi D/o. Shanmuga Thevar

... Respondents in CRP (NPD) (MD) No. 1523/ 2011

Chinniyan (Died)

- 1) Muthukani W/o. Chinniyan
2. Nagarajan S/o. Chinniyan
3. Ponnuswamy S/o. Chinniyan

... Respondents in CRP (NPD) (MD) No. 1525/ 2011

Jahafer Natchiyar

... Respondent in CRP (NPD) (MD) No. 1526/ 2011

Kaliyaperumal

... Respondent in CRP (NPD) (MD) No. 1528/ 2011

Venkidusamy

... Respondent in CRP (NPD) (MD) No. 1530/ 2011

Rajagopal (Died)

Sundarampillai (Died)

- 1) Venketaraman, S/o. Govinda Pillai
- 2) Ramakrishnan S/o. Sundaraja Pillai
- 3) Thandayuthapani S/o. Venketaraman

... Respondents in CRP (NPD) (MD) No. 1531/ 2011

Govindan Ambalam

... Respondent in CRP (NPD) (MD) No. 1532/ 2011

Samupillai

... Respondent in CRP (NPD) (MD) No. 1533/ 2011

Kavriammal

... Respondent in CRP (NPD) (MD) No. 1534/ 2011

Periyasamy Udaiyar

... Respondent in CRP (NPD) (MD) No. 1535/ 2011

Muthusamy

... Respondent in CRP (NPD) (MD) No. 1536/ 2011

Seethaiammal (Died) W/o. Kuppuswamy

- 1) Ayyamperumal S/o. Kuppusamy
2. Narayanaswamy S/o. Kuppusamy

... Respondents in CRP (NPD) (MD) No. 1542/ 2011

Karuppan

... Respondent in CRP (NPD) (MD) No. 126/ 2012



Chinnakannuammal (Died)
Lakshmiammal (Died)

- 1) Veerammal, D/o.Chinnakannuammal
- 2) Jayalakshmi
- 3) Mallika

Rengaswamy Konar	... Respondents in CRP (NPD) (MD) No. 131/ 2012
Gangaiyammal	... Respondent in CRP (NPD) (MD) No. 277/ 2012
Mariyappan	... Respondent in CRP (NPD) (MD) No. 278/ 2012
Sowndaravalli	... Respondent in CRP (NPD) (MD) No. 279/ 2012
Rengan (Died)	... Respondent in CRP (NPD) (MD) No. 280/ 2012
1) Marimuthu, S/o.Rengan	... Respondent in CRP (NPD) (MD) No. 281/ 2012
Govindasamy Konar	... Respondent in CRP (NPD) (MD) No. 282/ 2012
Rethinathammal (Died)	
1.Pitchaiammal	
2.Marimuthu Ambalam	... Respondents in CRP (NPD) (MD) No. 283/ 2012
Chandrasekaran	... Respondent in CRP (NPD) (MD) No. 284/ 2012
Ramachandran	... Respondent in CRP (NPD) (MD) No. 285/ 2012
Pachiyappan	... Respondent in CRP (NPD) (MD) No. 286/ 2012
Selvam Paththar	... Respondent in CRP (NPD) (MD) No. 287/ 2012
Govindasamy Udayar	... Respondent in CRP (NPD) (MD) No. 288/ 2012
V.A. Ayyakkannu Odayr	... Respondent in CRP (NPD) (MD) No. 462/ 2012
Kannusami Odayar	... Respondent in CRP (NPD) (MD) No. 463/ 2012
Jayaraman	... Respondent in CRP (NPD) (MD) No. 1199/ 2012
P.Vaithyanatha Rao	... Respondent in CRP (NPD) (MD) No. 1200/ 2012
Vairathammal	... Respondent in CRP (NPD) (MD) No. 1296/ 2012
Angammal	... Respondent in CRP (NPD) (MD) No. 1328/ 2012

Saminatha Asari

<https://hcservices.ecourts.gov.in/hcservices/>



Makkabeeviammal

... Respondent in CRP(NPD) (MD)No. 1355/ 2012

C.Appadurai Chettiayar

... Respondent in CRP(NPD) (MD)No. 1356/ 2012

... Respondent in CRP(NPD) (MD)No. 1357/ 2012

WEB COPY

Prayer in C.R.P(NPD) (MD)No.1407 of 2011: Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, against the order dated 07.09.2010 passed in C.F.R.No.3751 of 2003 in un-numbered E.P.No.... of 2009 in O.S.No.532 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1408/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 22.09.2010 passed in CFR No.1364 of 2003 in un-numbered EP No..... of 2009 in O.S.316 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1411/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 04.09.2010 passed in CFR No.277 of 2003 in un-numbered EP No..... of 2009 in O.S.231 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1412/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 23.09.2010 passed in CFR No.283 of 2003 in un-numbered EP No..... of 2009 in O.S.255 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1413/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 21.09.2010 passed in CFR No.658 of 2003 in un-numbered EP No..... of 2009 in O.S.343 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1414/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 07.09.2010 passed in CFR No.3467 of 2003 in un-numbered EP No..... of 2009 in O.S.491 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1415/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 02.09.2010 passed in CFR No.2076 of 2002 in un-numbered EP No..... of 2009 in O.S.333 of 1975 on the file of the District Munsif Court, Pattukottai.



Prayer in CRP(NPD) (MD)No. 1467/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 18.09.2010 passed in CFR No.568 of 2003 in un-filed EP No..... of 2009 in O.S.295 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1468/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 23.09.2010 passed in CFR No.1373 of 2003 in un-filed EP No..... of 2009 in O.S.257 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1469/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 18.09.2010 passed in CFR No.656 of 2003 in un-filed EP No..... of 2009 in O.S.384 of 1977 on the file of the District Munsif Court, Pattukottai.

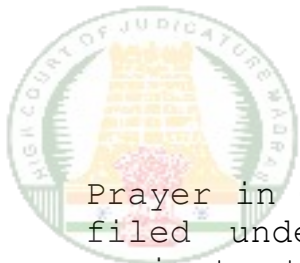
Prayer in CRP(NPD) (MD)No. 1470/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 18.09.2010 passed in CFR No.1190 of 2003 in un-filed EP No..... of 2009 in O.S.417 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1518/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 04.09.2010 passed in CFR No.1692 of 2001 in un-numbered EP No..... of 2009 in O.S.349 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1521/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 06.09.2010 passed in CFR No.5861 of 1990 in un-numbered EP No..... of 2009 in O.S.482 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1523/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 04.09.2010 passed in CFR No.3193 of 2001 in un-numbered EP No..... of 2009 in O.S.378 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1525/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 20.09.2010 passed in CFR No.657 of 2003 in un-numbered EP No..... of 2009 in O.S.398 of 1977 on the file of the District Munsif Court, Pattukottai.



Prayer in CRP(NPD) (MD)No. 1526/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 21.09.2010 passed in CFR No.1242 of 2003 in un-numbered EP No..... of 2009 in O.S.280 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1528/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 06.09.2010 passed in CFR No.1433 of 2003 in un-numbered EP No..... of 2009 in O.S.460 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1530/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 20.09.2010 passed in CFR No.1087 of 2003 in un-numbered EP No..... of 2009 in O.S.355 of 1977 on the file of the District Munsif Court, Pattukottai.

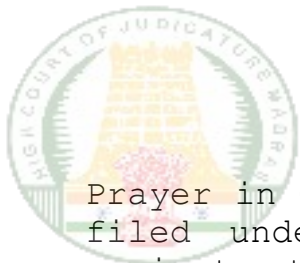
Prayer in CRP(NPD) (MD)No. 1531/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 18.09.2010 passed in CFR No.5872 of 2003 in un-numbered EP No..... of 2009 in O.S.320 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1532/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 23.09.2010 passed in CFR No.1278 of 2003 in un-numbered EP No..... of 2009 in O.S.431 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1533/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 06.09.2010 passed in CFR No.3618 of 2003 in un-numbered EP No..... of 2009 in O.S.523 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1534/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 26.09.2010 passed in CFR No.271 of 2003 in un-numbered EP No..... of 2009 in O.S.207 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1535/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 18.09.2010 passed in CFR No.272 of 2003 in un-numbered EP No..... of 2009 in O.S.208 of 1977 on the file of the District Munsif Court, Pattukottai.



Prayer in CRP(NPD) (MD)No. 1536/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 20.09.2010 passed in CFR No.574 of 2003 in un-numbered EP No..... of 2009 in O.S.265 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1542/ 2011 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 04.09.2010 passed in CFR No.576 of 2003 in un-numbered EP No..... of 2009 in O.S.223 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 126/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 13.09.2010 passed in CFR No.2073 of 2002 in un-numbered EP No..... of 2009 in O.S.352 of 1975 on the file of the District Munsif Court, Pattukottai.

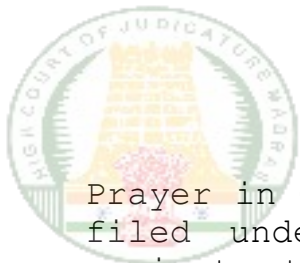
Prayer in CRP(NPD) (MD)No. 131/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 13.09.2010 passed in CFR No.2074 of 2002 in un-numbered EP No..... of 2009 in O.S.297 of 1975 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 277/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 14.09.2010 passed in CFR No.282 of 2003 in un-numbered EP No..... of 2009 in O.S.251 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 278/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 20.09.2010 passed in CFR No.276 of 2003 in un-numbered EP No..... of 2009 in O.S.266 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 279/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 14.09.2010 passed in CFR No.3468 of 2003 in un-numbered EP No..... of 2009 in O.S.465 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 280/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 27.08.2010 passed in CFR No.268 of 2003 in un-numbered EP No..... of 2009 in O.S.205 of 1977 on the file of the District Munsif Court, Pattukottai.



Prayer in CRP(NPD) (MD)No. 281/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 22.09.2010 passed in CFR No.1240 of 2003 in un-numbered EP No..... of 2009 in O.S.307 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 282/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 04.09.2010 passed in CFR No.274 of 2007 in un-numbered EP No..... of 2009 in O.S.214 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 283/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 21.09.2010 passed in CFR No.654 of 2003 in un-numbered EP No..... of 2009 in O.S.352 of 1977 on the file of the District Munsif Court, Pattukottai.

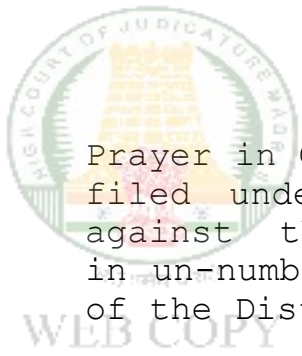
Prayer in CRP(NPD) (MD)No. 284/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 23.09.2010 passed in CFR No.1198 of 2003 in un-numbered EP No..... of 2009 in O.S.424 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 285/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 03.09.2010 passed in CFR No.3752 of 2003 in un-numbered EP No..... of 2009 in O.S.268 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 286/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 18.09.2010 passed in CFR No.1192 of 2003 in un-numbered EP No..... of 2009 in O.S.414 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 287/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 21.09.2010 passed in CFR No.273 of 2003 in un-numbered EP No..... of 2009 in O.S.211 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 288/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 06.09.2010 passed in CFR No.3519 of 2003 in un-numbered EP No..... of 2009 in O.S.507 of 1977 on the file of the District Munsif Court, Pattukottai.



Prayer in CRP(NPD) (MD)No. 462/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 06.09.2010 passed in CFR No.10566 of 1987 in un-numbered EP No..... of 2009 in O.S.291 of 1975 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 463/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 18.09.2010 passed in CFR No.1904 of 1988 in un-numbered EP No..... of 2009 in O.S.327 of 1975 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1199/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 14.09.2010 passed in CFR No.8984 of 1987 in un-numbered EP No..... of 2009 in O.S.293 of 1975 on the file of the District Munsif Court, Pattukottai.

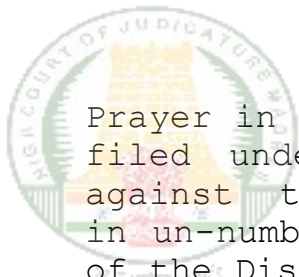
Prayer in CRP(NPD) (MD)No. 1200/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 27.08.2010 passed in CFR No.2563 of 1998 in un-numbered EP No..... of 2009 in O.S.43 of 1976 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1296/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 03.09.2010 passed in CFR No.1434 of 2003 in un-numbered EP No..... of 2009 in O.S.462 of 1977 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1328/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 18.09.2010 passed in CFR No.3781 of 1996 in un-numbered EP No..... of 2009 in O.S.365 of 1975 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1355/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 13.09.2010 passed in CFR No.8990 of 1987 in un-numbered EP No..... of 2009 in O.S.312 of 1975 on the file of the District Munsif Court, Pattukottai.

Prayer in CRP(NPD) (MD)No. 1356/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 20.09.2010 passed in CFR No.1193 of 2003 in un-numbered EP No..... of 2009 in O.S.423 of 1977 on the file of the District Munsif Court, Pattukottai.



Prayer in CRP(NPD) (MD)No. 1357/ 2012 : Civil Revision Petition filed under Section 115 of the Code of the Civil Procedure, against the order dated 02.09.2010 passed in CFR No.10582 of 1987 in un-numbered EP No..... of 2009 in O.S.364 of 1975 on the file of the District Munsif Court, Pattukottai.

WEB COPY

For Petitioner : Mr.Niranjana S.Kumar
in all the petitions

For Respondent : No appearance
in all the petitions except
CRP.(MD).No.1525 of 2011

For R2 & R3 : Mr.V.K.Vijayaraghavan
in CRP(NPD) (MD).No.1525 of 2011

COMMON ORDER

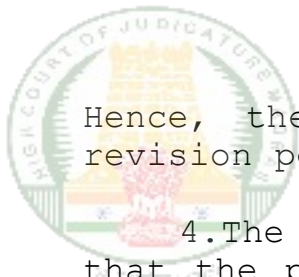
The issue involved herein is one and the same, all the Civil Revision Petitions were clubbed together and were heard and are decided by this common order.

2.The case of the petitioner / plaintiff Trust is that they filed respective suits before the District Munsif, Pattukkottai, against the respondent(s) / defendant(s) for recovery of possession of the plaint mentioned properties, which were decreed in favour of the petitioner / plaintiff Trust. Subsequently, they filed respective Execution Petitions to deliver the plaint mentioned properties, which were returned for complying with certain defects. Since the petitioner / plaintiff was unable to represent the said petitions within a reasonable time, the trial Court rejected those petitions on the ground of delay and laches, by separate order dated 07.09.2020. Feeling aggrieved, the petitioner / plaintiff Trust has filed the present Civil Revision Petitions.

3.Assailing the orders impugned herein, the petitioner / plaintiff *inter alia* raised the following grounds:

(i)The Court below, without considering the practical difficulties faced by the petitioner / plaintiff Trust in prosecuting the hundreds of suits for recovery of possession from several encroachers, has erred in rejecting the Execution Petitions at the SR stage, by passing stereotypic orders.

(ii)The Court below has failed to see that the petitioner / plaintiff is a Trust, which got the suit decreed in their favour and they would lose its valuable right over the plaint schedule properties, in the event of the Execution Petitions being rejected on the ground of delay and laches.



Hence, the petitioner / plaintiff sought to allow these civil revision petitions by setting aside the orders impugned herein.

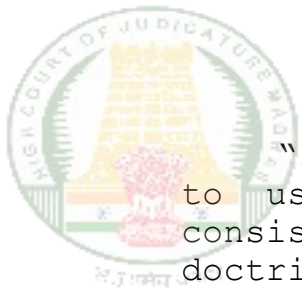
4.The learned counsel for the petitioner / plaintiff submitted that the petitioner / plaintiff Trust is the lawful owner of the plaint mentioned properties; though they armed with the Civil Court decree in respect of the said properties right from the year 1991, they did not enjoy the fruit of the same, till now, and the properties have been enjoying by several encroachers; without considering the same in proper perspective, the Court below erred in rejecting the Execution Petitions at SR stage itself, on the ground of delay and laches. Hence, the learned counsel sought to allow these Civil Revision Petitions by quashing the orders impugned herein.

5.On the other hand, the learned counsel for the respondents 2 and 3 in CRP(MD) No.1525 of 2011 submitted that the Court below considering the long delay and laches on the part of the petitioner / plaintiff in complying with the defects, has rightly rejected the Execution Petitions and hence, the same does not call for any interference by this Court.

6.Heard the learned counsel for the petitioner / plaintiff and the learned counsel for the respondents in CRP No.1525 of 2011 and also perused the materials placed before this Court.

7.It is seen that the suits filed for recovery of possession of the plaint mentioned properties, came to be decreed in the year 1991 and the Execution Petitions were filed in the year 2009 i.e., well within the limitation period, which were rejected at SR stage, for want of compliance of certain defects, vide orders dated 07.09.2010. Challenging the same, the present Civil Revision Petitions came to be filed in the years 2011 and 2012 and the same were taken up for disposal in the year 2020. It is further seen that the papers were returned for complying with the defects from 22.04.2003 for 23 times and the same were represented only on 16.08.2010 and the petitioner / plaintiff took nearly seven years for getting the Execution Petitions numbered and hence, the Court below rightly rejected the same at SR stage itself, on the ground of delay and laches.

8.In **Hameed Joharan v. Abdul Salem**, [(2001) 7 SCC 573], the Supreme Court considered the enforceability of a decree, and the limitation thereof. While doing so, the Supreme Court, after taking note of the Latin maxim "*vigilantibus et non dormientibus jura subveniunt*", explained the use of legal diligence and as to how lapse of time is species for forfeiture of right. For better appreciation, the words of Supreme Court are reproduced as under:-



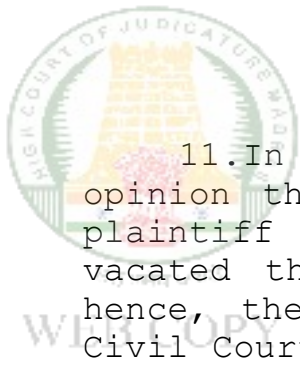
"14. It cannot but be the general policy of our law to use the legal diligence and this has been the consistent legal theory from the ancient times: even the doctrine of prescription in Roman law prescribes such a concept of legal diligence and since its incorporation therein, the doctrine has always been favoured rather than claiming disfavour. Law courts never tolerate an indolent litigant since delay defeats equity the Latin maxim vigilantibus et non dormientibus jura subveniunt (the law assists those who are vigilant and not those who are indolent). As a matter of fact, lapse of time is a species for forfeiture of right. Wood, V.C. in *Manby v. Bewicke*, reported in 1857 (3) K&J 342 = 69 ER 1140 (K&J at p. 352) stated: "...the legislature has in this, as in every civilized country that has ever existed, thought fit to prescribe certain limitations of time after which persons may suppose themselves to be in peaceful possession of their property, and capable of transmitting the estates of which they are in possession, without any apprehension of the title being impugned by litigation in respect of transactions which occurred at a distant period, when evidence in support of their own title may be most difficult to obtain."

9. Further, in **Board of Secondary Education of Assam v. Mohd. Sarifuz Zaman**, [(2003) 12 SCC 408], it was observed by the Supreme Court as follows:-

"12. Delay defeats discretion and loss of limitation destroys the remedy itself. Delay amounting to laches results in benefit of discretionary power being denied on principles of equity. Loss of limitation resulting into depriving of the remedy, is a principle based on public policy and utility and not equity alone."

Applying the aforesaid legal principles to the facts of the present case, this Court finds no reason to interfere with the orders so passed by the Court below and hence, the same do not require any interference.

10. At this juncture, the learned counsel appearing for the petitioner / plaintiff Trust submitted that despite several efforts, the petitioner / plaintiff was unable to serve notice on the respondent(s); some of the respondents are no more and the details of their legal heirs are not known to the petitioner / plaintiff; and some of the parties already vacated the suit properties.



11.In view of the subsequent development, this Court is of the opinion that the respective decree obtained by the petitioner / plaintiff against the parties, who are no more and who already vacated the suit properties, would not survive any purpose and hence, the petitioner / plaintiff has to approach the competent Civil Court afresh and agitate the issue, indicating all the facts and circumstances revolved around the same.

12.Leaving it open to the petitioner/plaintiff as stated above, these Civil Revision Petitions stand dismissed. No costs.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Munsif,
Pattukottai.

2.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court, Madurai(2 Copies).

**C.R.P(MD)No.1407 of 2011 etc. batch of cases
22.12.2020**

SV2(CO)
TR(16.02.2021) 18P 4C