

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2021

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

**CRP (PD) Nos.2997 and 2998 of 2018
and
CMP.Nos. 17393 and 17394 of 2018**

CRP (PD) No.2997 of 2018

Chinnasamy Naicker

... Petitioner

Vs.

1. N.Kuppusamy Naicker

2. K.Seshan

3. Singaravelu

4. The Executive Officer,
Mari Chinnamman Temple in charge,
Nemmeli, Alavandhar Trust,
Mamallapuram (Board).

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the judgment and decretal order in C.M.A.No.5 of 2017 dated 28.06.2018 on the file of the learned Principal Subordinate Judge, Chengalpattu and revising the order and decretal order in I.A.No.28 of 2017 in O.S.No.2 of 2017 dated 28.04.2017 on the file of the learned District Munsif-cum-Judicial Magistrate, Thirukalukundram by allowing the Civil Revision Petition.

For Petitioner : Mr.A.Ilaya Perumal

For Respondents : Notice Served (No Appearance)

CRP (PD) No.2998 of 2018

Chinnasamy Naicker

... Petitioner

Vs.

1. N.Kuppusamy Naicker
2. K.Seshan
3. Singaravelu

4. The Executive Officer,
Mari Chinnamman Temple in charge,
Nemmeli, Alavandhar Trust,
Mamallapuram (Board).

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the judgment and decretal order in C.M.A.No.6 of 2017 dated 28.06.2018 on the file of the learned Principal Subordinate Judge, Chengalpattu and revising the order and decretal order in I.A.No.29 of 2017 in O.S.No.2 of 2017 dated 28.04.2017 on the file of the learned District Munsif-cum-Judicial Magistrate, Thirukalukundram by allowing the Civil Revision Petition.

For Petitioner : Mr.A.Ilaya Perumal

For Respondents : Notice Served (No Appearance)

COMMON ORDER

These Civil Revision Petitions are directed against the judgment and decretal order passed in C.M.A.Nos.5 and 6 of 2017 dated 28.06.2018 on the file of the learned Principal Subordinate Judge,

Chengalpattu, reversing the order and decretal order in I.A.Nos.28 and 29 of 2017 in O.S.No.2 of 2017 dated 28.04.2017 on the file of the learned District Munsif-cum-Judicial Magistrate, Thirukalukundram, thereby allowing these petitions for interim injunction.

2. In both the Civil Revision Petitions, the petitioner is the plaintiff and the respondents are the defendants. The petitioner filed the suit for declaration to declare that the petitioner is a “அர்ச்சுர்” in the year 2017 at Temple of Goddess “Mari Chinnamman” at Kadampadi Village, Thirukazhukundram Taluk and for mandatory injunction against the first, second and fourth respondents directing them to appoint the petitioner as a “அர்ச்சுர்” in the year 2017, at Temple of Goddess “Mari Chinnamman” Temple at Kadampadi Village, Thirukazhukundram Taluk and also for permanent injunction restraining the first, second and fourth respondents, their men, agents and servants to appoint the third respondent as a “அர்ச்சுர்” at “Mari Chinnamman Temple” at Kadampadi Village, Thirukazhukundram Taluk. The petitioner filed a petition in I.A. No. 29 of 2017 for interim injunction against the first, second and fourth respondents herein directing them to appoint the petitioner as Archagar in the year 2017, at Temple of Goddess “Mari Chinnamman” Temple at

Kadampadi Village, Thirukazhukundram Taluk. He also filed another petition in I.A. No. 28 of 2017 for interim injunction restraining the respondents 1, 2 and 4 herein from appointing the third respondent as Archagar for the said temple. Both the petitions were allowed by the trial Court and the first Appellate Court reversed the same and dismissed the interim injunction petitions. It is seen that the petitioner filed the suit for declaration to declare him as Archagar in the year 2017 for the temple called as Mari Chinnamman Temple situated at Kadampadi Village, Thirukazhukundram Taluk. Therefore, now the temporary interim injunction appointing him as Archagar for the year 2017 at the Mari Chinnamman Temple, has become infructuous. In fact, the main prayer of the suit also for the year only 2017 to be appointed as Archagar for the Mari Chinnamman Temple.

3. The learned counsel for the petitioner submitted that now the petitioner is taking steps to file a petition for amendment of prayer.

4. However, the interim prayer sought for by the petitioner has become infructuous and also if the interim order is granted, it amounts to grant of main prayer in the suit. Therefore, the first Appellate Court

rightly allowed the appeals and dismissed the orders passed by the trial Court and this Court finds no infirmity or illegality in the judgments passed by the first Appellate Court.

5. Accordingly, these Civil Revision Petitions are dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

21.06.2021

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Index : Yes/No

Internet : Yes/No

To

1. The Principal Subordinate Judge, Chengalpattu.
2. The District Munsif-cum-Judicial Magistrate,
Thirukalukundram.
3. The Executive Officer,
Mari Chinnamman Temple in charge,
Nemmeli, Alavandhar Trust,
Mamallapuram (Board).
4. The Section Officer,
V.R. Section, High Court of Madras.

G.K.ILANTHIRAIYAN,J.

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CRP (PD) Nos.2997 and 2998 of 2018

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