



CRP (PD) No.2967 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

C O R A M

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**C.R.P (PD) No.2967 of 2016**  
**and C.M.P.No.15006 of 2016**

1. K.Venkatesan
2. R.Anbu
3. R.Venkatesan
4. E.Kanthasamy
5. V.Santhosh
6. K.Murugesan
7. K.Mohandass
8. M.Sekar
9. K.Varadhan
- 10.S.Magesh
- 11.S.Meganathan
- 12.V.Purusothaman
- 13.M.Manivasagam
- 14.V.Loganathan
- 15.M.Balu
- 16.S.Sathasivam
- 17.B.Karthi
- 18.V.Ruthirakotti
- 19.V.Jeganathan
- 20.N.Vethasalam
- 21.V.Ravi
- 22.K.Ramalingam

... Petitioners

**Vs.**

1. E.Velayutham
2. M.Deekkan
3. S.Balamurugan

... Respondents



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**PRAYER:** The Civil Revision Petition is filed under Article 227 of the Constitution of India aggrieved by the dismissal of the order and decretal order dated 11.03.2016 passed in I.A.No.156 of 2016 in O.S.No.5 of 2015 on the file of the Subordinate Judge, Arakonam.

For Petitioners : M/s.M.Sriram

For Respondents : Ms.S.Magarani

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### **ORDER**

The petitioners, aggrieved by the fair and final order passed in I.A.No.156 of 2016 in O.S.No.5 of 2015 by the Subordinate Judge, Arakonam, dated 11.03.2016, have filed this Civil Revision Petition.

2. Heard M/s.M.Sriram, learned counsel appearing for the petitioners and Ms.S.Magarani, learned counsel appearing for the respondents.

3. There was a dispute with regard to the Management of certain properties belonging to the Sengunthar Community. When the matter ultimately



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reached this Court in A.S.No.418 of 1990, this Court took into consideration the mismanagement of the properties and hence, while passing a judgment on 06.09.2011, made the following observation:-

*“16. Of course, in this case, the appellants have given some evidence regarding mismanagement of the suit properties. From the pleadings of the case itself it is seen that the respondents/defendants are in possession of the properties on behalf of the community and they are not maintaining proper accounts for the income derived from the suit properties. Therefore, to avoid these kinds of allegations it is better to draft a scheme to safeguard the interest of the properties. Therefore, I am of the view that the parties are at liberty to approach the competent authority (Civil Court) for drafting the scheme, in which the appellants/plaintiffs and respondents/defendants' family members are entitled to. The drafted scheme should finalise the scheme to manage the suit properties. It is also left open to the competent authority if any individual application is received on that basis with relevant records, he can consider the same and pass suitable orders on production of the documents, within a period of six months.”*

Pursuant to the above observations made by this Court, the respondents filed a suit before the Principal District Judge, Vellore, under Section 92 of Civil Procedure Code for framing a scheme for the due administration of the Trust and the suit properties belonging to the Sengunthar Community. During the pendency of the suit, the petitioners herein filed an application under Order 1



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Rule 10 of Civil Procedure Code to implead themselves as parties in the above suit on the ground that they want to submit their objections/suggestions which will enable the Court to come to a correct decision while framing the scheme.

4. The Court below dismissed the application through order dated 11.03.2016 on the ground that the petitioners are not necessary parties to decide the issues that are involved in the case. Aggrieved by the same, the present Civil Revision Petition has been filed.

5. The above suit was filed by the respondents without naming any defendants since the suit itself was for framing a scheme to manage the Trust and its properties. Some of the petitioners in the petition were also parties in A.S.No.418 of 1990 referred supra. The Court below, while considering the suit, has to necessarily receive objections/suggestions from the persons belonging to the community. The same will help the Court in arriving at a decision and hence, the Court below ought not to have dismissed the application only on the ground that the petitioners are not necessary parties. The petitioners are proper parties in the suit since they will have an opportunity to submit their objections/suggestions. Hence, the petitioners can be made as parties in the above suit. If any further objections/suggestions are given by the



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persons belonging to the community, the same can be received by the Court below and it is not necessary to implead any more party in the suit except noting the name of the person, who has given objections/suggestions.

6. The petitioners in C.M.P.No.18907 of 2016 have already been impleaded as defendants in the suit and separate order has been passed in the said petition. The said order shall form part of this order.

7. In the light of the above discussions, the fair and final order passed in I.A.No.156 of 2016 in O.S.No.5 of 2015 dated 11.03.2016 is hereby set aside and the Civil Revision Petition is accordingly allowed. There shall be a direction to the Court below to proceed further with the suit and to pass a decree within a period of six months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

**08.12.2022**  
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**N.ANAND VENKATESH, J.**

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To

The Subordinate Judge, Arakonam.

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**and C.M.P.No.15006 of 2016**

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