



WEB COPY



C.R.P(PD)No.1435 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

C.R.P(PD)No.1435 of 2022
& CMP.No.7411 of 2022

B.Indhurani

... Petitioner

Vs.

1.S.Praveena

2.Sri Om Prakash

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 21.12.2021 passed in CMA.No.3 of 2021 on the file of the I Additional Subordinate Court, Coimbatore and restore the fair and decretal order dated 20.1.2021 passed in I.A.No.2 of 2020 in O.S.No.930 of 2020 on the file of the IV Additional District Munsif Court, Coimbatore.

For Petitioners	:	Mr.A.Sundaravadanam for Mr.GK.Muthukumaar
For Respondents	:	Mr.L.Mouli



ORDER

The dispute is between the mother and the daughter and the issue is who is entitled to be in possession of admittedly the property belonging to Arulmigu Patteswara Swamy Thirukovil. The mother laid the suit and sought for an injunction against the daughter and was successful before the trial Court. The daughter challenged it before the appellate Court in CMA.No.3 of 2021 and she was successful before the appellate Court. In this order, which is now impugned before this Court, the appellate Court has underscored that it is relying on a certain piece of document issued by the Joint Commissioner, HR & CE Department.

2.The learned counsel for the revision petitioner submitted that this document is post-litigation and hence, it should not be considered. Further that, the appellate Court was in error in relying the same. He submitted that the HR & CE Department is not a party to the proceedings.

3.The learned counsel for the revision petitioner further submitted that even Ext.R7 which the defendants/respondents herein have relied on includes the names of both the plaintiff and the defendants. This implies, neither side can



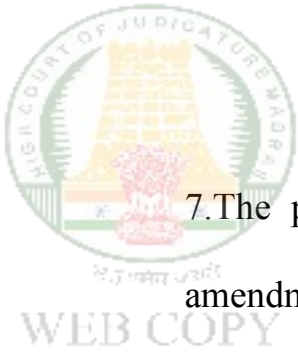
exclude the other.

WEB COPY

4.This Court is not inclined to enter into a factual finding on the correctness of the order passed by the appellate Court dismissing the Application taken out by the plaintiff.

5.After all, the view taken by the appellate Court in CMA.No.3 of 2021 is a plausible view, and the reasons adduced by the revision petitioner to impeach it do not render it either illegal or highly improbable as to warrant an interference.

6.Having stating thus, ultimately both the mother and the daughter claim to be in possession of a temple land but, the temple is not a party to the suit. Therefore, this Court exercises its *suo moto* powers and directs the impleadment of Arulmigu Patteswara Swamy Thirukovil represented by its Executive Officer, and the Joint Commissioner, HR & CE Department as additional defendants 3 and 4.



C.R.P(PD)No.1435 of 2022

7.The plaintiff/revision petitioner is now directed to carry out necessary amendment in the suit and once done, the trial Court is required to issue summons on the newly added defendants 3 and 4.

8.It appears some crops are cultivated in the suit property and it is ripe for harvest.

9.The learned counsel for the respondents submitted that the respondents would share the harvest equally with the revision petitioner.

10.The said statement is recorded.

11.Subject to the direction regarding impleadment herein above given, the Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

27.04.2022

Index : Yes/No

Internet : Yes / No

Speaking /Non Speaking

Tsg



WEB COPY



C.R.P(PD)No.1435 of 2022

To

- 1.The I Additional Subordinate Court,
Coimbatore.
- 2.The IV Additional District Munsif Court,
Coimbatore.



WEB COPY



C.R.P(PD)No.1435 of 2022

N.SESHASAYEE, J.,

Tsg

C.R.P(PD)No.1435 of 2022

27.04.2022