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C.R.P.(PD).No.3724 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

C.R.P.(PD).No.3724 of 2016
and C.M.P.No.18893 of 2016

1.Moorthiraman
2.Amaresan

... Petitioners

Vs

1.Ratchaganathan
2.Gunasekaran
3.Periathambi
4.Kripakaran
5.Murugan

6.The Assistant Commissioner,
Hindu Religious and Charitable Endowments,
Cuddalore.

7.The Joint Commissioner,
Hindu Religious and Charitable Endowments,
Villupuram.

... Respondents

Prayer:Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the the fair and Decretal order dated 13.04.2015 in allowing the I.A.No.770 of 2014 in O.S.No.122 of 2012 on the file of the learned Additional District Munsif, Cuddalore.

For Petitioners : Mr.R.Gururaj

For Respondents : RR1 to 7 no appearance



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ORDER

This Civil Revision Petition has been filed by the plaintiffs aggrieved by the fair and decretal order passed by the Court below in I.A.No.770 of 2014 in O.S.No.122 of 2012 allowing the application filed under Order I Rule 10 of C.P.C. by the respondents 1 to 5/ defendants.

2.The petitioners filed the suit in O.S.No.122 of 2012 seeking for the relief of declaration and permanent injunction. The defendants filed I.A.No.770 of 2014 to implead the proposed 6th and 7th defendants viz., the officials of HR&CE Department. This application was filed on the ground that the temple in question comes under the jurisdiction of the HR&CE Department and hence they are necessary and proper parties in the suit.

3.The petitioners/ plaintiffs contested this application on the ground that the temple in question is not under the control of the HR&CE Department and hence the Department is not a necessary or



proper party in the suit.

4.The Court below on considering the rival contentions came to a conclusion that the HR&CE Department has to be made as a party in the suit in order to avoid any future confusion and in order to give a complete resolution for the dispute involved in this case. Aggrieved by the same the petitioners/ plaintiff has filed this Civil Revision Petition.

5.Heard Mr.R.Gururaj, learned counsel appearing for the petitioner.

6.The limited issue that arises for consideration in the Civil Revision Petition is as to whether the order passed by the Court below impleading the HR&CE Department can be held to be illegal and perverse.

7.On carefully going through the rival contentions raised by either side, it is seen that the Court below has to necessarily decide as



to whether the temple in question is a public temple which comes within the control of the HR&CE Department. Even though the plaintiff cannot be compelled to add anyone as a party to the suit, the Court must ensure that the necessary or proper party is added as a defendant in the suit to arrive at a conclusive decision in the suit. The Court below was convinced that HR&CE Department must be added as a defendant in the suit, since their presence is required for complete and effectual adjudication of the dispute involved in the suit. This conclusion arrived at by the Court below does not suffer from any illegality or infirmity and does not warrant the interference of this Court in exercise of its jurisdiction under Article 227 of the Constitution of India.

8.In the result, this Civil Revision Petition is dismissed and there shall be a direction to the Additional District Munsif, Cuddalore to dispose of the O.S.No.122 of 2012 within a period of three months from the date of receipt of a copy of this order and compliance shall be reported after the disposal of the suit. No costs. Consequently, connected miscellaneous petition is closed.

12.12.2022

*gba*

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

The Additional District Munsif, Cuddalore

N. ANAND VENKATESH, J.*gba*

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