



WEB COPY



CRP(MD)No.1573 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CRP(MD)No.1573 of 2022
and
CMP(MD)Nos.6758, 6760 of 2022

1.Palani

2.C.Malaisamy

3.A.Malaisamy

4.A.Periyakaruppan : Petitioners

Vs.

Soundarapandi : Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records pertaining to the order dated 02.08.2021 passed by the Sub Court, Usilampatti, in I.A.No.314 of 2021 in A.S.No.94 of 2019 and set aside the same.

For Petitioners : Mr.K.Guhan



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ORDER

As against the orders passed by the learned Subordinate Judge, Usilampatti, in I.A.No.314 of 2021 in A.S.No.94 of 2019, dated 02.08.2021, the petitioners / appellants have preferred the instant revision petition.

2.The respondent, as plaintiff, has filed a suit in O.S.No.29 of 2011 for a declaration that he is the Poojari of Arulmigu Karuppasamy Temple and also for a permanent injunction restraining the petitioners from interfering with the performance of the pooja. The suit was decreed by the trial Court on 01.02.2017 and as against the same, the petitioners / defendants have preferred an appeal before the Sub Court, Madurai, in the year 2019, which was later transferred to the Sub Court, Usilampatti and now pending before the Sub Court, Usilampatti, in A.S.No.94 of 2019.

3.According to the petitioners, the respondent, with the strength of the decree, is interfering with the day-to-day performance of the pooja in the Temple and therefore, the petitioners have filed an application in I.A.No.314 of 2021 u/s. 151 CPC for an interim stay of the judgment and decree passed by the trial Court.



The grievance of the petitioners is that if the judgment and decree passed by the trial Court is not stayed, then it would create a confusion in the administration of the Temple and it will also affect the interest of the Temple. However, the first appellate Court, without considering the same, has dismissed the application.

4.This Court paid its anxious consideration to the submissions made by the petitioners' Counsel and also to the available materials.

5.The suit was decreed in the year 2017 and the petitioners have preferred the appeal in the year 2019. They have filed the interlocutory application for staying the judgment and decree of the trial Court after three years in the year 2021. Considering the passage of time and the fact that the respondent / plaintiff is enjoying the decree for the past five years, this Court is not inclined to interfere with the order of the appellate Court dismissing the interlocutory application. At the same time, considering the fact that the appeal of the year 2019 is still pending, there shall be a direction to the appellate Court, viz., Subordinate Judge, Usilampatti, to dispose of the appeal in A.S.No.94 of 2019, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.



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B.PUGALENDHI, J.

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With the above direction, this civil revision petition stands disposed of. No costs. Consequently, connected miscellaneous petitions stand closed.

Index : Yes / No
Internet : Yes
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02.08.2022

To

The Subordinate Judge,
Usilampatti.

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