



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON	15.03.2022
DELIVERED ON	31.03.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.M.P. (MD)No.10183 of 2021

in

C.R.P. (MD)SR.No.13644 of 2021

D.Rajendran

...Petitioner/Petitioner

Vs.

Muthuveeralakappan (Died)

1.Selvi

2.Chitra

3.Lakshmi

4.Vinoth Kumar

5.Sinduja

...Respondents/Respondents

PRAYER: Civil Miscellaneous Petition under Section 5 of Limitation Act, to condone the delay of 6326 days in filing C.R.P.(MD)SR No.13644 of 2021.

For Petitioner :Mr.R.G. Sankar Ganesh
For R-1 to R-5 :Mr.H.Lakshmi Shankar

ORDER

This Civil Miscellaneous Petition has been filed to condone the delay of 6326 days in filing C.R.P.(MD)SR No.13644 of 2021.

2.The parties are referred to as per the rank mentioned before the Court below.

3.The respondent has filed a petition in S.O.P.No.2 of 2002 to get succession certificate as Malayandi Koil Hereditary Trustee on the basis of Will, dated 01.07.1992.

4.Heard on either side.

5.This Civil Miscellaneous Petition is filed on the ground that the learned District Munsif has decided the rights of trusteeship on the basis of the Will dated 01.09.1992 and hence, the learned District Munsif, Manapparai has passed an order in S.O.P.No.2 of 2002 exceeding its jurisdiction conferred on it. The order dated 28.08.2002 in S.O.P.No.2 of 2002 was served to the petitioner only on the basis of the communication, dated 05.11.2020 and he is not a party in the said petition. By virtue of the order, dated 28.08.2002 made in S.O.P.No.2 of 2002 the petitioner's rights are



being affected. Hence, he prays to allow this Civil Miscellaneous Petition.

6.The succession original petition was allowed on 20.08.2002 on the basis of the Will, dated 01.07.1992 which was executed by one Chinnammal.

7.The learned counsel appearing for the petitioner has contended that the learned District Munsif, Manapparai, has no jurisdiction to issue the succession certificate for Trustees.

8.The revision petitioner has not objected the Will. As per Will the petitioner has declared as hereditary trustee by Hindu Religious and Charitable Endowments, in the year 2005. From 2005, the respondent as a Trustee has managed the temple. These facts are not objected by the revision petitioner.

9.The revision petitioner has not questioned the Will or the order passed by the Joint Commissioner, Hindu Religious and Charitable Endowments. The learned District Munsif, Manapparai, has passed the order only in succession original petition.

10.Further, the petition in S.O.P.No.2 of 2002 was filed in the year 2002 and this Civil Miscellaneous Petition has been filed after lapse of 20 years. Each and every day delay should be explained. Definitely, he has knowledge that the respondent administer of the temple from the date of death of Chinnammal. The said Chinnammal has also stated in the Will that the respondent should enjoy the properties, as trustee.

11.The revision petitioner has also not produced any valid document to prove that his father is a adopted son of Chinnammal. Even in the Will the same was not objected by the petitioner. There is no recitals about the father of the revision petitioner.

12.The revision petitioner neither stated proper reason for delay in filing this Civil Revision Petition nor filed any documents to show that bonafide rights to file this Civil Revision Petition.

13.In view of the foregoing reasons, this Civil Miscellaneous Petition stands dismissed. No Costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ksa

<https://hcservices.ecourts.gov.in/hcservices/>



To

The District Munsif,
Manapparai.

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-15996[F]
dated 01/04/2022)

Order made in
C.M.P. (MD) No.10183 of 2021
in C.R.P. (MD) SR.No.13644 of 2021
31.03.2022

SB (CO)
GC (19.04.2022) 3P 3C