



CRP PD(MD)No.1550 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP PD(MD)No.1550 of 2017 and
CMP(MD) No.8643 of 2017

1.E.Samydurai

... Petitioner

Vs

1.Gladwyn

2.Shanthi

3.Yogesh

4.Mesack

... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India, to set aside the order dated 11.07.2017 made in I.A.No.31 of 2017 in O.S.No.166 of 2015 on the file of the District Munsif Court, Tiruchendur.

For Petitioner : Mr.G.Mohankumar

For Respondents : No appearance

ORDER

This Civil Revision Petition is filed as against the fair and



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decreetal order of the learned District Munsif, Tiruchendur in I.A.No.31 of 2017 in O.S.No.166 of 2015, dated 11.07.2017.

2.The case of the petitioner is that the first respondent and other respondents are belong to same family and the suit in O.S.No.166 of 2015 was filed before the District Munsif Court, Tiruchendur to grab the properties of Somanthasamy Temple and Mutharamman Temple. According to the petitioner, the suit is a collusive one.

3.The learned counsel appearing for the petitioner submits that though the petitioner is a third party in O.S.No.166 of 2015, being the President of the Village, he has filed the above I.A.No.31 of 2017 to implead him as a necessary party in the suit, under Order I Rule 10 of CPC, in order to protect the properties of the above temples. But, the said application was dismissed by the trial Court. Aggrieved over the same, the present Civil Revision Petition is filed.



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4.This Court heard the learned counsel appearing for the petitioner and perused the materials placed on record.

5.It is seen that the trial Court considered the plea of the petitioner in I.A.No.31 of 2017 and recorded its findings that the Somanathasamy temple itself was constructed in S.No.229/32, which is originally a Government land. However, the people of Somnathapuram in immemorial time have constructed the Somanathaswamy temple and Mutharamman temple in that land. The trial court has also held that though the petition has been filed that the petitioner/the third party wanted to protect the temple property in the capacity of President of Village Panchayat and also trustee of Somanathaswamy temple and Mutharamman temple, the application was originally filed in the individual capacity alone and not in the representative capacity. Therefore, the application filed by the petitioner/third party was rejected by the trial Court.

6. In view of the above, this Court finds no error in the order passed by the trial Court in I.A.No.31 of 2017 in O.S.No.166 of 2015.



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Accordingly, this Civil Revision Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No.

Internet : Yes / No.

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To

The District Munsif Court, Tiruchendur.



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Order made in
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