



C.R.P.(MD)Nos.714 to 717 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)Nos.714 to 717 of 2022

and

C.M.P.(MD)Nos.2935, 2936, 2939 and 2940 of 2022

C.R.P.(MD)No.714 of 2022:-

1.S.Thangaraj

2.Dhanaraj

.. Petitioners

Versus

1.K.Varadarajan

N.Arumugam (Died)
(Amended as per order in I.A.No.986 of 2010,
dated 26.11.2010)

2.T.G.P.Gunalan

3.R.Murugesan

4.K.Christdoss

5.P.Muthusamy

6.A.Muthaiyan

7.K.Ramasamy

8.K.Ayyamperumal

S.Gopalsamy (Died)
(Amended as per order in I.A.No.10/21, dated 22.12.2021)

9.M.Chandrasahsan

<https://www.mhc.tn.gov.in/judis>



10.K.Murugesan

11.S.D.Selvaraj

12.S.Anbhazagan

13.St. John's Sangam,
Perambalur,
Rep. by its self styled Secretary,
K.Varadharajan

14.St.John's Sangam Trust,
Having Office at
Rover College, Perambalur.
(Amended as per order in I.A.No.2 of 2019,
dt. 11.11.2019 as against the respondents
10, 13, 14 and 17 therein)

.. Respondents

Prayer :- Petition filed under Article 227 of the Constitution of India, to call for the records of the IV Additional Subordinate Court, Tiruchirapalli, made in I.A.No.405 of 2018 in A.S.No.33 of 2008 and set aside the fair and decreetal order dated 24.02.2021.

For Petitioners	:	Mr.J.Arumainayagam
For R1, R3 to R5, R13 and R14	:	Mr.N.Vinod Sathya Lazar
For R6 to R12	:	No Appearance

C.R.P.(MD)No.715 of 2022:-

1.P.Raja Subramanian

S.Daniel (Died)
(Amended as per order in I.A.No.749/18,
dated 26.11.2019)



P.Thangavel (Died)

2.R.Balachandran

D.Robert (Died)

(Amended as per order in I.A.No.1/19,
dated 11.11.2019)

3.M.Nallaiah

4.N.Thangavel

A.Balan (Died)

(Amended as per order in I.A.No.749/18,
dated 26.11.2019)

5.S.Govindan

6.G.Elangovan

7.Kalairasan

R.Velusamy (Died)

8.V.Paranjothi

9.N.Paramasivam

10.G.Gunasekaran

11.S.Samuvel

V.Mookkan @ Mukesh Kanna (Died)

(Amended as per order in I.A.No.749/18,
dated 26.11.19)

O.Natesan (Died)

(Amended as per order in I.A.No.8/21,
dated 22.12.21)

12.C.Ekambaram



C.R.P.(MD)Nos.714 to 717 of 2022

13.R.Gunaselvan

.. Petitioners

Versus

1.K.Varadarajan

N.Arumugam (Died)

2.T.G.P.Gunalan

3.R.Murugesan

4.K.Christdoss

5.St.John's Sangam Trust,
Having Office at
Rover College, Perambalur.

6.A.Annadurai

J.D.Wilson (Died)
(Amended as per order in I.A.No.2/2019,
dated 11.11.2019)

.. Respondents

Prayer :- Petition filed under Article 227 of the Constitution of India, to call for the records of the IV Additional Subordinate Court, Tiruchirapalli, made in I.A.No.404 of 2018 in A.S.No.20 of 2008 and set aside the fair and decreetal order dated 24.02.2021.

For Petitioners 1 to 11 and 13 : Mr.J.Arumainayagam

For 12th Petitioner : No Appearance

For R1 and R3 to R5 : Mr.N.Vinod Sathya Lazar

For R6 : No Appearance



C.R.P.(MD)Nos.714 to 717 of 2022

C.R.P.(MD)No.716 of 2022:-

1.P.Raja Subramanian

S.Daniel (Died)
(Amended as per order in I.A.No.749/18,
dated 26.11.2019)

P.Thangavel (Died)

2.R.Balachandran

D.Robert (Died)
(Amended as per order in I.A.No.2/19,
dated 11.11.2019)

3.M.Nallaiah

4.N.Thangavel

A.Balan (Died)
(Amended as per order in I.A.No.749/18,
dated 26.11.2019)

5.S.Govindan

6.G.Elangovan

7.Kalairasan

R.Velusamy (Died)

8.V.Paranjothi

9.N.Paramasivam

10.G.Gunasekaran

11.S.Samuvel



C.R.P.(MD)Nos.714 to 717 of 2022

V.Mookkan @ Mukesh Kanna (Died)
(Amended as per order in I.A.No.749/18,
dated 26.11.19)

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O.Natesan (Died)
(Amended as per order in I.A.No.6/20,
dated 11.02.20)

12.C.Ekambaram

13.R.Gunaselvan

.. Petitioners

Versus

1.K.Varadarajan

N.Arumugam (Died)

2.T.G.P.Gunalan

3.R.Murugesan

4.K.Christdoss

5.St.John's Sangam Trust,
Having Office at
Rover College, Perambalur.

6.A.Annadurai

J.D.Wilson (Died)
(Amended as per order in I.A.No.2/2019,
dated 11.11.2019)

.. Respondents

Prayer :- Petition filed under Article 227 of the Constitution of India, to call for the records of the IV Additional Subordinate Court, Tiruchirapalli, made in I.A.No.536 of 2018 in A.S.No.20 of 2008 and set aside the fair and decreetal order dated 24.02.2021.



C.R.P.(MD)Nos.714 to 717 of 2022

For Petitioners 1 to 11 and 13 : Mr.J.Arumainayagam
For 12th Petitioner : No Appearance
For R1 and R3 to R5 : Mr.N.Vinod Sathya Lazar
For R6 : No Appearance

C.R.P.(MD)No.717 of 2022:-

1.S.Thangaraj
2.Dhanaraj

.. Petitioners

Versus

1.K.Varadarajan

N.Arumugam (Died)
(Amended as per order in I.A.No.986 of 2010,
dated 26.11.2010)

2.T.G.P.Gunalan

3.R.Murugesan

4.K.Christdoss

5.P.Muthusamy

6.A.Muthaiyan

7.K.Ramasamy

8.K.Ayyamperumal

S.Gopalsamy (Died)
(Amended as per order in I.A.No.10/21, dated 22.12.2021)

9.M.Chandrasan

10.K.Murugesan



S.Gunaseelan (Died) (R-13)

S.Mannathi (Died) (R-14)

11.S.D.Selvaraj

12.S.Anbhazagan

P.Rajendran (Died) (R-17)

13.St. John's Sangam,
Perambalur,
Rep. by its self styled Secretary,
K.Varadharajan

14.St.John's Sangam Trust,
Having Office at
Rover College, Perambalur.
(Amended as per order in I.A.No.2 of 2019,
dt. 11.11.2019 as against the respondents
10, 13, 14 and 17 therein)

.. Respondents

Prayer :- Petition filed under Article 227 of the Constitution of India, to call for the records of the IV Additional Subordinate Court, Tiruchirapalli, made in I.A.No.537 of 2018 in A.S.No.33 of 2008 and set aside the fair and decreetal order dated 24.02.2021.

For Petitioners : Mr.J.Arumainayagam

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For R1, R3 to R5,
R13 and R14 : Mr.N.Vinod Sathya Lazar

For R6 to R12 : No Appearance

COMMON ORDER

Since the issues involved in the present Civil Revision Petitions and the parties are one and the same, they are heard together and disposed of by this common order.



2.The dispute in these Civil Revision Petitions pertains to the year 1989 and suits were filed in the year 1989 before the District Munsif Court, Perambalur, which were later transferred to the District Munsif Court, Tiruchirapalli. The suits were filed by the respective petitioners herein for declaration that they are the Members of St. John's Sangam, Perambalur, with Registration No.16/61 and the defendants 8 to 19 are not the Members of the said Sangam and for permanent injunction. The suits filed by the respective petitioners were dismissed by the judgment and decree dated 16.04.2007 holding that the respective petitioners had no *locus standi*.

3.Aggrieved by the same, the respective petitioners have filed A.S.Nos.20 and 33 of 2008. The said appeals are pending before the IV Additional Sub Court, Tiruchirapalli. The petitioners have filed I.A.Nos.405 and 537 of 2018 in A.S.No.33 of 2008 and I.A.Nos.404 and 536 of 2018 in A.S.No.20 of 2008.

4.I.A.Nos.404 and 405 of 2018 were filed by the petitioners under Order XLI Rule 2 read with Section 151 of C.P.C., for deleting certain grounds, which according to the petitioners, had erroneously crept in at the time of filing of the appeal. It is submitted that the mistake was on account of the mistake committed by the counsel, who drafted the grounds of appeal. It is therefore submitted that the petitioners should not be put to prejudice on account of the mistake committed by the Counsel.



5.As far as I.A.Nos.536 and 537 of 2018 are concerned, they were filed under Order XL Rule 1 of C.P.C. for appointment of a Receiver, as the amounts were being misused by the respondents.

6.The Court below has dismissed I.A.Nos.404, 405, 536 and 537 of 2018 filed by the respective petitioners in the two appeal suits, which is now subject matter of the present Civil Revision Petitions.

7.I have considered the arguments advanced by the learned counsel for the petitioners and the learned counsel for the respondents.

8.It is also noticed that during the pendency of the present Civil Revision Petitions, few other Interlocutory Applications have also been filed in the respective appeals, as a result of which, the appeals have not progressed further. The status quo has also been ordered, which has further delayed the disposal of the appeals.

9.Considering the facts and circumstances of the case and also considering the fact that the litigation is of the year 1989, these Civil Revision Petitions are disposed of by setting aside the impugned orders. The impugned orders dated 24.02.2021 passed in I.A.Nos.404 and 405 of 2018 are set aside and accordingly, the said I.As. are allowed.



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10.As far as the impugned order dated 24.02.2021 passed in I.A.Nos.536 and 537 of 2018 filed in the respective appeals are concerned, the same are set aside and accordingly, the matters are remitted back for fresh consideration by the Appellate Court namely, IV Additional Subordinate Court, Tiruchirapalli, to consider the same at the time of final disposal.

11.Considering the fact that the dispute pertains to the year 1989, the learned IV Additional Subordinate Judge, Tiruchirapalli, shall dispose A.S.Nos.20 and 33 of 2008 as expeditiously as possible, preferably, within a period of 45 days from the date of receipt of a copy of this order. It is made clear that the learned IV Additional Subordinate Judge, Tiruchirapalli, shall pass a judgment and decree in the said appeals on merits and in accordance with law, uninfluenced by any of the observations made in this order touching on the merits of the case.

12.These Civil Revision Petitions stand allowed with the above direction.

No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

21.06.2023

The IV Additional Subordinate Judge,
Tiruchirapalli.



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C.R.P.(MD)Nos.714 to 717 of 2022

C.SARAVANAN, J.

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Common Order made in
C.R.P.(MD)Nos.714 to 717 of 2022

21.06.2023