



CMP(MD) No.13233 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Eleventh day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD) No.13233 of 2023

in

CRP(MD) No.2121 of 2022

P.MURUGESAN

... PETITIONER/THIRD PARTY
PROPOSED 23RD RESPONDENT

Vs

P.R.RAMALINGAM (DIED)

1.VASANTHAKUMARI

2 R.VISHNURAM SARAVANAVEL

3 VAISHNAVI PADMAJA

... RESPONDENTS 1 TO 3/PETITIONERS

4 THE IDOL OF ARULMIGHU

KALYANA PASUPATHEESWARASAMY KOIL,

ARULMIGHU KALAYANA PASUPATHEESWARA SAMY KOIL,

KARUR,

REPRESENTED BY ITS EXECUTIVE OFFICER.

5 N.V.PASUPATHY,

6 KARUR SRI PASUPATHEESWARA

AYYAPPA SEVA SANGAM TRUST,

REPRESENTED BY ITS SECRETARY,

NO.37, SOUTH MADAVILAGAM STREET,

KARUR TOWN.

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



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7 N.V. KRISHNA IYER

... RESPONDENTS 4 TO 7/RESPONDENTS 1 TO 4

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8 S.SOUNDARA NAYAKI,

9 P.S.K.VIVEKANANDAN

10 R.SATHYAKALA

11 S.KALYANA PASUPATHI,

12 S.JEGANATHAN

13 P.A.SATHASIVAM,

14 A.NIRMALA

15 K.BALASUBRAMANIAN,

16 R.ARULANANDAM,

17 V.SANMUGASUNDARAM,

18 S.MANJULA,

19 S.THANGAMANI,

20 A.SAKTHIVEL

21 R.GOKUL KANNA,

22 B.PANCHAVARNAM,

23 S.RAJESHKUMAR,

24 S.KALAIVANI,

25 P.ARUNKUMAR,

... RESPONDENTS 9 TO 25/RESPONDENTS 5 TO 22

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Implead the petitioner herein as the proposed 23rd Respondent in the above Civil Revision Petition in CRP(MD). No.2121 of 2022 pending on the file of this Honourable Court.

Prayer in CRP(MD).2121/2022 :

To call for the records and set-aside the order dated 21.07.2022, passed in EP.No.77 of 2018, in O.S.No.95/2004, on the file of the Principal District Judge, Karur.

ORDER : This Civil Miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.MUTHUKUMAR, Advocate for the petitioner and of MR.P.ATHIMOOLA PANDIAN, Advocate on behalf of the 4th Respondent and M/S.K.HEMA KARTHIKEYAN, Advocate on behalf of the Respondent Nos.8 to 25 and M/S.A.SARAVANAN, Advocate for M/S.E.J.AYYAPPAN, Advocate on behalf of the Respondent Nos.1 to 3, the court made the following order:-



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RESERVED ON	04.10.2023
PRONOUNCED ON	11.10.2023

The above application has been filed under Order 1 Rule 10(2) of C.P.C. seeking impleadment of the petitioner as proposed 23rd respondent in the above Civil Revision Petition.

2.The petitioner's case is that he is a tenant running a flower shop in the premises of one Karuppasamy and after his demise, he has been paying rent to his wife Lakshmi, that the respondents 8 to 25/ respondents 5 to 22 are also the tenants under the above said persons using the premises for the residential and commercial purposes and paying rents to them, that the above said respondents have informed the petitioner that they are ready to pay the rent to the Temple and requested the Temple authorities to consider their grievances and regularize their tenancy and they have also sent representations in that regard, that therefore, the petitioner may also be considered in the same way and that the petitioner may be impleaded as a party respondent in the Civil Revision Petition so as to enable him to putforth his case in the revision.

3. It is evident from the records that the fourth respondent Temple has filed a suit in O.S.No.95 of 2004 on the file of the District Court, Karur against four persons including one P.R.Ramalingam to declare that the suit properties were belonging to



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the Temple and for recovery of possession, that the suit was decreed on 28.02.2005 and that the appeal filed by the defendants came to be dismissed vide common judgment dated 01.11.2017.

4.It is further evident from the records that one Radhakrishnan has filed a writ petition in W.P.(MD)No.22682 of 2018 directing the respondents 6 to 8 therein to take appropriate action to remove the encroachment found in the Temple lands and the Hon'ble Division Bench of this Court directed the authorities to file action taken report with regard to the recovery of the properties. In pursuance of the directions of this Court, the learned counsel appearing for the fourth respondent Temple would submit that they have issued common notice to all the respondents 8 to 25 directing them to remove their encroachment and hand over the possession of the property and that all of them have given affidavits undertaking to hand over symbolic possession of the property.

5.The learned counsel appearing for the fourth respondent Temple would further submit that the said Karuppasamy claiming to be the landlord of the present petitioner has given an affidavit stating that he purchased western half of the suit property from the said P.R.Ramalingam and that in pursuance of the order of the High Court, they have given symbolic possession of the property to the Executive Officer of Arulmighu Kalyana Pasupatheeswara Temple. He would further submit



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that the said P.R.Ramalingam is one of the tenant and against whom decree was passed, that the said Karuppasamy has allegedly purchased the property from the said P.R.Ramalingam and that the present petitioner is claiming tenancy under the said Karuppasamy.

6.The learned counsel appearing for the fourth respondent Temple would further submit that they have issued notice to all the tenants, but the present petitioner is not at all a tenant and that therefore, he cannot be impleaded.

7.The petitioner has nowhere whispered as to when and how he was inducted as a tenant.

8.Admittedly, the legal representatives of the deceased P.R.Ramalingam have preferred the Civil Revision challenging the order passed in E.P.No.77 of 2018 in O.S.No.95 of 2004 dated 21.07.2022 ordering delivery and the revision is pending. Pending revision, 18 persons came to be impleaded as respondents 5 to 22 in the Civil Revision Petition.

9.As rightly contended by the learned counsel appearing for the fourth respondent Temple, the present petitioner, without any iota of right, has filed the above application seeking his impleadment and is only an attempt to drag on the proceedings.

10.Though the Temple has obtained the decree in 1989 and the same was



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confirmed by this Court in 2005, they are unable to get the fruits of the decree till now.

11. Considering the above facts and circumstances, this Court is of the clear view that the petitioner's presence is absolutely not necessary for deciding the revision, which was filed challenging the delivery order in the Execution proceedings and as such, this Court concludes that the above application is absolutely devoid of merits and the same is liable to be dismissed.

12. In the result, this Civil Miscellaneous Petition is dismissed.

sd/-
11/10/2023

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/10/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

csm

TO

THE PRINCIPAL DISTRICT JUDGE,
KARUR.

+1 CC to M/s.S.MUTHUKUMAR, Advocate (SR-14979[I] dated 11/10/2023)

+1 CC to M/s.A.SARAVANAN, Advocate (SR-15174[I] dated 13/10/2023)



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ORDER

IN

CMP(MD) No.13233 of 2023
in CRP(MD) No.2121 of 2022

Date :11/10/2023

RS/DD/SAR-(17.10.2023) 7P 4C

Madurai Bench of Madras High Court is issuing
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