



C.R.P(MD)No.2220 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2023

CORAM

THE HON'BLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.2220 of 2023

1.G.Shanmugasundram

2.S.Raja

3.S.Vellaisamy

4.V.Balan

... Revision Petitioners/Plaintiffs

(for themselves and as representatives of Maniakarar,
Gowder, Ambalakaran, Chettiar Pangalies
denomination, Konapatti, Sanarpatti Pachayat,
Dindigul District.)

Vs.

1.The Joint Commissioner,

Tamil Nadu Hindu Religious and Charitable Endowments Department,

Dindigul.



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2.The Assistant Commissioner,

Tamil Nadu Hindu Religious and Charitable Endowments Department,

Dindigul.

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition directing the learned Principal District Munsif, Principal District Munsif Court, Dindigul, to number the suit in O.S.No.--- of 2022.

For Petitioner : Mr.R.G.Shankarganesh

ORDER

The Civil Revision Petition has been filed to direct the learned Principal District Munsif, Principal District Munsif Court, Dindigul, to number the suit in O.S.No.--- of 2022.

2. According to the second Revision Petitioner, the suit has been filed by the Revision Petitioners in representative capacity seeking



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for declaration and permanent injunction. The Trial Court instead of numbering both the suit and the interim application in I.A.No.672 of 2022 filed under Order 1 Rule 8 of Code of Civil Procedure. The trial Court ordered notice in interim application only. The trial Court failed to understand that Order 1 Rule 8 of CPC does not contemplate numbering of interim application alone at the initial stage and numbering of the suit after the interim application is allowed. Hence, the petitioner was constrained to file this Civil Revision Petition to direct the Court below to number the suit and dispose the same on merits. Hence, he prays for allowing the Civil Revision Petition.

3.Considering the limited prayer sought for in the Revision, notice to other side is deemed unnecessary.

4. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

5. Considering the facts and circumstances of the case, this Court directs the learned Principal District Munsif, Principal District



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Munsif Court, Dindigul, to number the unnumbered suit in O.S.No.--- of 2022, if it is otherwise in order, within a period of one (01) week from the date of receipt of a copy of this order.

6. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05.09.2023

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

RM



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- 1.The Principal District Munsif,
Principal District Munsif Court,
Dindigul,
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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K.GOVINDARAJAN THILAKAVADI, J.

RM

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