



C.R.P.(PD)(MD).Nos.2322 to 2329 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)Nos.2322 to 2329 of 2022

and

C.M.P(MD) Nos.11227, 11228, 11225, 11230, 11231,
11233, 11234 and 11235 of 2022

C.R.P(PD)(MD) No.2322 of 2022:

Paramakudi Sami Chettiyar Nanthavanam
and building Private Trust Represented
Through its Managing Trustee G.Mohan,
S/o.Ganapathi Chettiyar,
Door No.14/19, Thattara Santhu,
Mela Masi Street,
Madurai – 625 001.

... Petitioner / 1st Respondent/
Plaintiff

-VS-

1. T.S.Megarajan
2. R.Ragavan

.... Respondents 1 & 2/Petitioners/
Proposed Defendants 2 and 3

3. Ramanathan

.... 3rd Respondent/ 2nd Respondent/
1st Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the Fair and decretal order, dated 29.08.2022 passed in I.A.No.14 of 2022 in O.S.No.60 of 2021, on the file of the learned District Munsif Court, Paramakudi.



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For Petitioner : Mr.K.Jeyamohan
for Mr.T.Bala Rathnakumar
For Respondents : Mr.J Barathan
for R1 and R2

COMMON ORDER

The plaintiff has filed the present civil revision petitions, challenging the order passed by the trial Court, in which, two defendants have been impleaded on the ground that they are also the Trustees of the plaintiff Trust.

2. All the present suits have been filed by the plaintiff Trust for the relief of ejectment of the tenants. The parties, who are impleaded as D2 and D3 in all the suits, claimed that they are also Trustees of the plaintiff Trust. However, the plaintiff Trust which is represented by the Managing Trustee, contends that those two proposed parties have voluntarily resigned from the Trusteeship and hence, they are not entitled to get themselves impleaded in the present suits.

3. The learned counsel appearing for the petitioner further contends that the trial Court, without considering the fact that whether the proposed parties are necessary parties to the suit, has proceeded to implead them. When the



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plaintiff Trust being the *dominus litis*, and opposed the impleadment of the proposed parties, the trial Court ought not to have impleaded them.

4. The learned counsel for the petitioner further contends that one of the parties, who claims to be the member of the plaintiff Trust had filed suit O.S.No.146 of 2020 on the file of the Sub Court, Paramakudi to declare the plaintiff Trust as a public Trust. In the said suit, the proposed parties have been arrayed as defendants 2 and 3. These defendants 2 and 3 have filed a counter claim in the said suit praying for the relief that they continue to be the Trustees of the plaintiff Trust. The said suit is pending.

5. Per contra, the learned counsel appearing for the impleaded parties have contended that they have not resigned from Trust and they continue to be the trustees. Whether they are the trustees of the plaintiff Trust, or not is to be decided by the learned Sub Judge, Paramakud in O.S.No.146 of 2020. Till then, they are necessary parties to the present suit for ejectment filed against the tenants. Hence, he prayed for sustaining the order of impleadment passed by the trial Court.



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6. I have carefully considered the submissions made by the learned counsel on either side.

7. Admittedly, the plaintiff Trust is the landlord and the first defendant in all the suits is the tenant. Now, the dispute that had arisen in the present proceedings is that whether the proposed parties who were impleaded in the suit, are also trustees of the plaintiff Trust or not. Admittedly, the said issue is pending in O.S.No.146 of 2020. Though the learned counsel for the petitioner contends that they have resigned, the learned counsel for the newly impleaded parties contends that they have never resigned and continued to be the trustees of the plaintiff Trust. It is also the apprehension on the part of the learned counsel for the petitioner that by getting themselves impleaded in the present suit, the impleaded parties would like to claim the status as a trustee and would attempt to collect rent from the tenants. Therefore, it is clear that there is a dispute with regard to the Management and Administration of the Trust between the Managing Trustee on one side and the newly impleaded parties on the other side.



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8. The learned counsel for the newly impleaded party submits that they will not make any submission which are contra to the interest of the Trust which would in favour of the tenants.

9. In view of the above said facts, this Court is inclined to pass the following order:

(i) The order allowing the impleading application stands confirmed;

(ii) Merely because the defendants 2 and 3 were impleaded in the present suit, they cannot claim the status of the Trustee and their claim depends upon the result in O.S.No.146/2020 pending on the file of the Sub Court, Paramakudi;

(iii) The tenants in the property are directed to deposit the rent in the respective suits, in which, they are arrayed as defendants; and

(iv) The learned District Munsif, Paramakudi, is directed to dispose of all the eight ejectment suits on or before **31.08.2023**.



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10. All the Civil Revision Petitions stand disposed of, in the above said terms. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

08.02.2023

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

1. The Sub Court,
Paramakudi.
2. The District Munsif,
Paramakudi.



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R.VIJAYAKUMAR,J.

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