



C.R.P(MD)No.2333 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2023

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.2333 of 2022
and
C.M.P(MD)No.11244 of 2022

Pandi

...Petitioner/Respondent/
Plaintiff

Vs.

1.V.Rasu Udaiyar

2.V.Tamilmaran

3.P.Radhakrishnan

4.K.Kasinathan

5.P.Thangaiya

6.R.Veeraiya

7.S.Ramanathan @ Raman

...Respondents/Respondents/
Defendants 1 to 7

8.Arulmigu Sree Poorna Pushkala,
Samadheshri Veerapandi Ayyanar
Alaya Trust (Reg.No.12/2022)
Through its Secretary,
A.Kannuchamy
And Treasurer K.Veerapani
Salaigramam,



WEB COPY



C.R.P(MD)No.2333 of 2022

Ilayangudi Taluk,
Sivagangai District.

...Respondents/Respondents/
Proposed 8th Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.4 of 2022 in O.S.No.211 of 2019 on the file of Subordinate Judge, Manamadurai, Sivagangai, dated 20.07.2022.

For Petitioner : Mr.T.Joshua

For R1 : Died

For R2 to R7 : Mr.S.Malaikani

For R8 : Mr.R.Senthil Kumar

ORDER

The present civil revision petitioner has been filed against the fair and decreetal order passed in I.A.No.4 of 2022 in O.S.No.211 of 2019 on the file of Subordinate Judge, Manamadurai, Sivagangai, dated 20.07.2022.

2. The petitioner is the plaintiff in O.S.No.211 of 2019 before the Sub Court, Manamadurai, Sivagangai. The suit has been filed for permanent injunction to restrain the defendants therein from interfering with the construction of Arulmigu Sree Poorna Pushkala Samadheshri



C.R.P(MD)No.2333 of 2022

Veerapandi Ayyanar temple. In the said proceedings, the eighth respondent, namely, Arulmigu Sree Poorna Pushkala, Samadheshri Veerapandi Ayyanar Alaya Trust bearing registration No.12 of 2022 filed application under Order 1 Rule 10 (2) of C.P.C. The application was allowed by the impugned fair and decreetal order, dated 20.07.2022.

3. It is the case of the petitioner that the petitioner had also formed the trust for the purpose of construction of the temple called Veerapandi Ayyanar temple trust, which is a public trust and it has been recognised by the authorities under the Income Tax Act by its registered trust deed, dated 11.10.2017 as document No.164 of 2017.

4. There is no merit in the submission made on behalf of the petitioner as the suit has been filed by the petitioner in his individual capacity and not as a trustee of the Veerapandi Ayyanar temple trust registered on 11.10.2017 as Document No.164 of 2017. The order passed by the trial Court, which has been impugned in the civil revision petition also does not suffer from any error or infirmity. Ultimately, it is for the trial Court to come to a conclusion whether the petitioner had made out a case for permanent injunction in O.S.No.211 of 2017.



C.R.P(MD)No.2333 of 2022

5. In view of the above, the present Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.03.2023

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

To

- 1.The Subordinate Judge,
Manamadurai, Sivagangai.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P(MD)No.2333 of 2022

C.SARAVANAN,J.

SN

C.R.P(MD)No.2333 of 2022

09.03.2023