



CRP.(MD)No.2958 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CRP.(MD)No.2958 of 2023

- 1.C.Meiyar
- 2.M.Meiyappan
- 3.Rama.Ve.Me.Meiyappan
- 4.Ko.Rama.Ala.Andiappan
- 5.Rm.Vairavan
- 6.L.Meiyappan
- 7.KR.Ravikumar
- 8.B.Kannan
- 9.K.Ramesh
- 10.M.Karuppaiah
- 11.Peri.Rama.Chidambaram
(For themselves and as representatives of Nattars of Karaikudi)
... Petitioners

Vs.



CRP.(MD)No.2958 of 2023

1.The Joint Commissioner,
Tamil Nadu Hindu Religious and
Charitable Endowment Department
Sivagangai.

2.The Executive Officer,
Arulmigu Koppudayanayaki Amman Temple,
Karaikudi.

3.P.R.Ramasamy Ambalam

4.S.Ramalingam Ambalam

5.R.Govindhan Ambalam

6.A.Meiyappan Ambalam

... Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the civil revision petition directing the District Munsif Court, Karaikudi to number the suit in O.S.No.___of 2023.

For Petitioners : Mr.R.G.Sankar Ganesh

ORDER

This civil revision petition has been filed seeking a direction directing the District Munsif Court, Karaikudi to take the suit on file.

2.The learned counsel appearing for the petitioners would submit that the petitioners filed the above suit in representative capacity along



CRP.(MD)No.2958 of 2023

WEB COPY

with an application under Order I Rule 8 CPC., that the learned District Munsif, without taking the plaint on file, has only numbered the petition filed under Order I Rule 8 CPC and ordered issuance of notice to the respondents and also for paper publication.

3.As rightly pointed out by the learned counsel appearing for the petitioner, granting permission to sue in a representative capacity, is not a condition precedent for taking the suit on file and the trial Court ought to have taken the suit on file and simultaneously numbered the petition filed under Order I Rule 8 CPC by granting interim permission and ordered notice for the respondents and for others. Since there is no legal bar or prohibition, the District Munsif Court, Karaikudi is directed to take the plaint on file, if it is otherwise in order and to proceed along with the petition filed under Order 1 Rule 8 CPC.

4.With the above direction, this civil revision petition is allowed.

No costs.

09.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
gns



WEB COPY



CRP.(MD)No.2958 of 2023

K.MURALI SHANKAR,J.

gns

To
The District Munsif Court,
Karaikudi.

CRP.(MD)No.2958 of 2023

09.11.2023