



C.R.P.(PD).No.2095 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.2095 of 2021
and C.M.P.No.15926 of 2021

Arulmighu Sembadavan Periyandavan Temple,
Udayarpalayam and Taluk, Ariyalur District,
Represented by its Hereditary Trustees Cum Poojaris,

1.P.Thangavel Poosari

Thandavarayan (Deceased)

2.Pandiraj Poojari

3.Ponnammal

4.Kaliyaperumal

5.Vadivelu

6.Selvi

... Petitioners

VS

Mahalakshmi

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the Fair and Decreetal order dated 09.03.2021



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passed in I.A.No. 3 of 2020 in O.S.No. 216 of 2013 on the file of the District Munsif, Jayamkondam.

For Petitioners : Mr.P.Srinivas

For Respondent : Mr.S.Kannan

ORDER

The Civil Revision Petition is filed challenging the order passed by the Court below dismissing the petition filed by the petitioners/plaintiffs seeking to stay the suit in O.S.No.216 of 2013 till disposal of the original application in O.A.No.18 of 2013 and O.A.No.21 of 2013 pending on the file of the Joint Commissioner, HR and CE, Tiruchirapalli.

2. The instant application has been filed by the petitioners/plaintiffs by invoking Section 10 of the Civil Procedure Code. In order to seek stay of suit by invoking Section 10 of the Civil Procedure Code, there must be other suit pending and issues involves in both the suits shall be substantially one and the same. Admittedly, there is no other suit pending, the petitioners herein seek stay of proceedings pending before the Joint Commissioner, HR



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and CE, Tiruchirapalli. Therefore, one of the essential ingredients for invoking Section 10 of the Civil Procedure Code, is not satisfied in this case.

Therefore, the petitioners have not made out any case for invoking Section 10 of the Civil Procedure Code seeking stay of further proceedings in the suit.

3. The present suit filed for permanent injunction based on possession. The proceedings before the Joint Commissioner, HR and CE, Tiruchirapalli, is with regard to the right to Hereditary Trusteeship over the temple. In such case, I do not find anything to interfere with the order passed by the Court below and consequently, the Civil Revision Petition is dismissed. No Costs. Consequently, the connected civil miscellaneous petition is closed.

12.01.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The District Munsif,
Jayamkondam.

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S.SOUNTHAR, J.

dm

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