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C.R.P.(PD)Nos.2951 & 2953 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.11.2024**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)Nos.2951 & 2953 of 2023
and C.M.P.Nos.18221 & 18224 of 2023

Samydurai
Present Executive Officer (IC) HR & CE,
Arulmighu Chandrachoodeswara Temple,
Hill Station, Hosur and
holding additional incharge to
Arulmighu Venkataramana Swamy Temple,
Nethaji Road, Hosur,
Krishnagiri District.

.. Petitioner in both CRPs.

Vs

- | | |
|------------------|---|
| 1. V.Lalitha | .. 1 st Respondent in both C.R.Ps. |
| 2. N.Sekar | .. 2nd Respondent in C.R.P.No.2951 of 2023 |
| 2. Thimmarayappa | .. 2nd Respondent in C.R.P.No.2953 of 2023 |

COMMON PRAYER: Civil Revision Petitions are filed under Article
227 of the Constitution of India, against the fair and decretal order dated



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21.06.2022 made in I.A.No.1 of 2021 in O.S.No.110 of 2019 & I.A.No.1

of 2021 in O.S.No.111 of 2019 on the file of the learned Principal

Subordinate Judge, Hosur.

In both CRPs.

For Petitioner : Mr.C.Prabakaran

For R1 : Mr.K.Sivasubramanian
for Mr.T.M.Hariharan

For R2 : No appearance

COMMON ORDER

These two civil revision petitions are at the instance of the third party.

2. O.S.No.110 of 2019 has been filed by the 1st respondent against the 2nd respondent. The suit is for recovery of arrears of rent. The cause of action for the suit arose on account of the fact that the 2nd respondents had defaulted in payment of rents to the 1st respondent. Therefore, the 1st respondent launched eviction petitions on the file of the District Munsif Court at Hosur. Eviction was ordered. An appeal was preferred



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therefrom, at the instance of the 2nd respondents. It came to be dismissed.

The tenants brought the matter to this Court by way of a civil revision petition. That too was dismissed. In the meantime, arrears had accumulated. Hence, the suit.

3. The 2nd respondents, as defendants, pleaded that the demised property belonged to the civil revision petitioner. They alleged the vendor of the plaintiff's vendor was working in the temple as an Archagar. Taking advantage of this plea, impleading applications were filed in I.A.No.1 of 2021 in O.S.No.110 of 2019 and I.A.No.1 of 2021 in O.S.No.111 of 2019.

4. The plea of the civil revision petitioner temple is that the property belongs to the temple and therefore, it is a proper and necessary party to the suit. After receipt of a counter from the plaintiff, the learned Trial Judge proceeded to dismiss the impleading applications. Hence, these revisions.

5. I heard Mr.C.Prabakaran for Mr.N.Anand for the civil revision petitioner and Mr.K.Sivasubramanian for the 1st respondent.



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6. Mr.C.Prabakaran pleads that as the property belongs to the temple, the temple has to be impleaded as a party to the suit. He invites my attention to the written statements to point out that the defendants had admitted that the temple is the owner of the property, and therefore, the presence of the temple is just and necessary.

7. Per contra, Mr.K.Sivasubramanian points out that the suits are for recovery of money, since the tenants had defaulted payments to the landlord and in such proceedings, the presence of the temple is neither necessary nor proper.

8. I have carefully considered the submissions of both sides. I have perused the entire records.

9. The aspect of the tenancy between the 1st and 2nd respondents had been agitated before the Rent Controller, Rent Control Appellate Authority as well as before this Court by way of a civil revision petition. In all the proceedings, the plaintiff/1st respondent was held to be the landlord and the 2nd respondents/defendants as the tenants. Once this issue has been concluded, if there is a default, then the landlord is



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entitled to invoke the jurisdiction of the Civil Court and recover the money from the defaulting tenants. In such a suit, the presence of the temple, which claims to be the title paramount, is neither essential nor necessary. A necessary party is one without whose presence, a Court cannot enter upon the judgment. Even without the temple, the Civil Court, if it comes to a conclusion that the defendants have defaulted in payment of rents, is entitled to decree the suit.

10. I feel, the filing of the impleading application itself is an attempt by the tenants to set up the executive officer and thereby deny the fruits of the decree to the landlord. If at all the civil revision petitioner has any right, he should approach the Court instead of playing into the hands of the tenant and trying to fish in troubled waters. Such kind of attempts must be put down with a heavy hand. I do not find any reasons to interfere with the order passed by the learned Principal Subordinate Judge at Hosur in I.A.No.1 of 2021 in O.S.No.110 of 2019 & I.A.No.1 of 2021 in O.S.No.111 of 2019, dated 21.06.2022.

11. At this juncture, learned counsel for the petitioner submits that the civil revision petitioner has filed a suit in O.S.No.425 of 2022



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seeking for declaration of title and permanent injunction, which is also pending on the file of the Principal Subordinate Court at Hosur. The civil revision petitioner may concentrate on that proceeding instead of meddling in the present one.

12. With the above observations, these two civil revision petitions are dismissed with costs of Rs.10,000/- each. The cost shall initially be paid by the temple and it shall be recovered from the salary of the executive officer who filed the petitions for impleading.

13. The learned Principal Subordinate Judge at Hosur shall take note of the fact that the suits in O.S.Nos.110 & 111 of 2019 are pending for more than five years. He shall expedite the suits at all stages. Consequently, connected miscellaneous petitions are closed.

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Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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V. LAKSHMINARAYANAN,J.

Kj

To

The Principal Subordinate Judge at Hosur.

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