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C.R.P. (PD) No.3192 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition (PD) No.3192 of 2024

K.Shanmugavel Mudaliar .. Petitioner/Petitioner/Plaintiff

Versus

1. R. Vanmathi,
Joint Commissioner,
Hindu Religious & Charitable Endowment,
Administration Department,
Kanchipuram. ..1st respondent/1st Contemnor/3rd Defendant
2. Lazmikanthan Bharathidasan,
Assistant Commissioner,
Hindu Religious & Charitable Endowment,
Administration Department,
Chengalpet.
3. Thiyagaranan
Executive Officer/Fit Person,
A/M, Ranganathan Perumal Temple,
Thiruneermalai,
Chennai-132. ... Respondents 2 & 3/Contemnors 2 & 3

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Additional District Munsif cum Judicial Magistrate, at Pallavaram to take up the I.A.No.19 of 2024 in O.S.No.20 of 2022 and



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dispose of the same on merits independently and necessary for the petitioner/
plaintiff to let in evidence and mark documents and in accordance with law.

For the Petitioner : Mr.T.Saikrishnan

For the Respondents : Mr.N.R.R. Arun Natarajan
Special Government Pleader

ORDER

This Civil Revision Petition seeks for a direction to the learned District Munsif at Pallavaram to take up I.A.No.19 of 2024 in O.S.No.20 of 2022 and to dispose of the same on merits.

2. When this matter came up for admission, I called upon the learned District Munsif cum Judicial Magistrate at Pallavaram to indicate as to why the applications are still pending, despite a specific direction that has been given by the Supreme Court.

3. In compliance with the said directions, the learned District Munsif has submitted a report on 16.08.2024. She would state that the evidence of D.W.1 has been closed on 01.04.2024 and the matter has been



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posted for arguments. She would state that thereafter, applications were filed to reopen and recall the evidence of the defendant which were dismissed on merits. She would point out that the party in person was called upon to address the arguments in the suit. But, yet again, she would submit that he has moved an application before the Supreme Court in D.No.14524 of 2024 in Civil Appeal No.6237 of 2019 seeking for extension of time. She would point out that applications are filed in the suit only in order to keep the suit pending and one such application is I.A.No.19 of 2024.

4. Since the State of Tamilnadu and HR&CE Department are parties, Mr.Arun Natarajan, Special Government Pleader representing the Department appeared before this Court. He brought to my notice, an Order that has been passed by my brother Mr.S.Soundar, Judge in CRP.1779 of 2019, whereby the very same plea that has been raised had been brought before this Court in the same revision. Not being satisfied with the submissions of the party in person, the said revision came to be dismissed on 19.03.2024. Thereafter, this application in I.A.No.19 of 2024 seems to have been filed.



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5. Mr.T.Saikrishnan would submit that despite the interim Order granted by the trial Court as early as on 19.10.2009, the Department proceeded further and continues to interfere with the right of the plaintiff as the hereditary trustee of the suit temple. Therefore, he would point out that the party-in-person has filed the I.A.No.19 of 2024.

6. Be that as it may, a perusal of the records shows that the suit which had been presented as early as in the year 2009 and it has been kept pending for the past 15 years. If applications are filed by the party-in-person, then the learned Judge will receive a counter from the respondents, if they so desire to file one. The trial Court is directed to dispose of the applications as well as the suit by way of a common judgment on or before 30.09.2024. This direction is being issued on account of the direction that has been issued to the learned trial Judge by the Supreme Court in 2019.

7. The attention of the learned Judge is drawn to the Order passed by the Supreme Court in Civil Appeal No.6237 of 2019 dated 09.08.2019 where under the Supreme Court had directed the trial Court to proceed with the suit, irrespective of the pendency of other proceedings between the parties



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to the suit or any interlocutory Order passed by any other Court, during the pendency of the suit. This makes it very clear that the Supreme Court wanted the trial Court to dispose of the suit so that the parties know where they stand. The trial Court shall endeavour to dispose of the suit after giving reasonable opportunity to both sides.

8. In case, the trial Court gets the view that either parties are trying to drag on the proceedings, it is the absolute liberty of the learned Judge to proceed further and pass judgment on merits of the suit and the applications invoking the power vested in it under Order 17 of CPC. Mr.Saikrishnan would plead that the revision petitioner should be permitted to lead evidence in the application. Discretion is given to the learned Munsif to decide, if she wants any evidence in the application.

9. With the above direction, this Civil Revision Petition is disposed of. Call the revision for reporting compliance on 04.10.2024.

29.08.2024

vrc



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Index : Yes / No

Internet: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

The District Munsif cum Judicial Magistrate, Palavaram.



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V.LAKSHMINARAYANAN, J.

VTC

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