



C.R.P.No. 2821 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2024

C O R A M:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No. 2821 of 2023
and C.M.P.No.17437 of 2023

Arulmighu Lakshmi Narayana Swamy
and Visweswarasamy Thirukoil,
represented by its Executive Officer,
Kumarapalayam,
Kumarapalayam Taluk, Namakkal District.

... Petitioner

Vs.

Nachimuthu

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order and Decreetal order made in I.A.No.3 of 2023 in O.S.No.188 of 2020 dated 03.07.2023 on the file of the District Munsif, Kumarapalayam.

For Petitioner : Mr.R.Bharanidharan
For Respondent : Ms.Manne Ramya
for S.Karpaga Priya

ORDER

A temple is the Civil Revision Petitioner and it presented the suit for declaration of title and for recovery of possession on the file of learned District



C.R.P.No. 2821 of 2023

Munisif Judge, Thiruchengode in O.S.No.718 of 1987. Due to bifurcation of jurisdiction, the suit seems to have been pending for the past few decades and finally wound up at the file of learned District Munsif, Kumarapalayam and was renumbered as O.S.No.188 of 2020.

2. When the suit was filed by one Arumugham S/o Ramasamay, Inspector of HR&CE, Thiruchengode, he styled and named the temple as "Arulmigu Lakshmi Narayanasamy and Vishveswarasamy Thirukoil". Subsequently, when the new Executive Officer took over the conduct of the suit, it came to their notice that the name of the temple reads as "Arulmigu Lakshmi Narayanasamy and Kasi Vishveswarasamy Thirukovil" represented by the Executive Officer. Therefore, he took out an application in I.A.No.2 of 2021 to amend the plaint. After having received the counter from the respondent, the learned Trial Judge proceeded to dismiss the application on the ground that no proof has been let in for the change in name. Against which, the present revision.

3. Heard Mr.R.Baranidharan, learned counsel for the petitioner and Ms.Manne Ramya, learned counsel for the respondent.



C.R.P.No. 2821 of 2023

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4. An application for amendment, unless and until it changes the cause of action, frame of the suit or withdraws an admission that is made in the plaint should be normally allowed. The amendment application if allowed in the present case would not affect any of the aforesaid categories, instead would only change the name of the temple presently reading as “Arulmigu Lakshmi Narayanaswamy and Visveswaraswamy Thirukovil”, to be styled and called as “Arulmigu Lakshmi Narayanaswamy and Kasi Visveswaraswamy thirukovil”. The insertion of the word "Kasi" does not bring a new party to the suit and the case of the plaintiff remains unaltered. It continues to be the case of the plaintiff that the defendant has taken possession of the property pursuant to lease agreement dated 22.04.1938. By changing the name, the new word being included is the word "Kasi" and the same does not affect the case. The plaintiff still has to prove its case for it to be entitled to a decree.

5. In the light of the above discussion, the Civil Revision Petition is allowed and order made in I.A.No.3 of 2023 in O.S.No.188 of 2020 dated 03.07.2023 is set aside. The plaintiff is granted leave to amend the plaint. No costs. Consequently connected miscellaneous petition is closed.



C.R.P.No. 2821 of 2023

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6. Learned District Munsif is requested to take note of the fact that the suit has been pending for the past 40 years. She is requested to bestow the maximum attention possible to dispose of the suit as expeditiously as possible.

24.06.2024

msv

Index: Yes/No

Internet: Yes/No

Speaking order: Non-speaking order

Neutral Citation: Yes/No



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C.R.P.No. 2821 of 2023

V.LAKSHMINARAYANAN,J.

Msv

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24.06.2024