



C.R.P. No. 3680 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

C.R.P. No. 3680 of 2024

and

C.M.P. No. 19972 of 2024

Sri Nithyananda Swami
Founder Nithyananda Dhyanapeetam
Bidadi, Bangalore, Karnataka
And Madathipathi of Sri Somanatha
Swami Temple & Mutt Thiruvavarur
Madathipathi of Sri Arunachala Gnandesikar
Swami Temple & Mutt Vedaranyam
Madathipathi of Sri Po Ka Sathukal Madam
Vedaranyam
Madathipathi of Sri Palsamy Mutt &
Sri Sankara Swami Mutt Thanjavur
Rep. by his power agent Umadevi

... Petitioner / 1st respondent /
Plaintiff

Vs.

1. Prabha

2. Swami Athmanantha Managing Trustee
Sri Sarada Niketan Samithi Trust
Kanavaipudur
Omalur Taluk
Salem

... 1st respondent / Petitioner /
Proposed Defendant



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3. Swami Duruvananda
Sri Sarada Niketan Samithi Trust
Kanavaipudur
Omalur Taluk
Salem

4. Swami Gnaneshwarananda
Sri Sarada Niketan Samithi Trust
Kanavaipudur
Omalur Taluk
Salem

... Respondents / Respondents /
Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the impugned order and decretal order passed by the Principal Sub Court, Nagapattinam in I.A. No. 16 of 2024 in O.S. No. 90 of 2015 dated 06.07.2024.

For Petitioner : Ms. H.Mary Sowmi Rexi
for ISAAC CHAMBERS

ORDER

The civil revision petition is at the instance of the plaintiff. He presented O.S. No. 90 of 2015 on the file of the learned Subordinate Judge at Nagapattinam seeking for a declaration that he is the Madathipathi of the following Temples:-

(i) Sri Somanatha Swami Temple and Mutt at Thiruvarur,

(ii) Sri Po.Ka. Sathukal Madam in Vedaranyam,

(iii) Sri Arunachala Gnanadesigar Swamigal Madam in Panchanathikulam,



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(iv) Sri Sankara Swami mutt at Thanjavur

and for consequential relief of injunction.

2. A written statement was filed denying the claim of the plaintiff by the original defendants. Subsequently, the 1st defendant passed away.

3. Claiming that the 1st defendant had created a trust, the 1st respondent herein Smt.Prabha Kumaravel filed an application to be brought on record to represent Sri Sarada Niketan Samithi Trust, Salem. The said application was allowed. Against which, the present revision.

4. Ms. H.Mary Sowmi Rexi would submit that the 1st respondent is not the Madathipathi of the institution and therefore she has no right to come on record. She would further plead that the power of attorney that was said to have been executed by the Madathipathi in favour of Smt.Prabha Kumaravel dies with the Madathipathi and it cannot be utilised any further.

5. I have carefully considered the submission of Ms. H.Mary Sowmi Rexi.



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6. In terms of Section 2(11) of the Code of Civil Procedure, 1908, any person who claims to represent the estate is entitled to come on record as a legal representative. This includes even an intermeddler of the property. The 1st respondent has claimed that she had been elected as the managing trustee of the trust. Therefore, some semblance of right that is claimed by the 1st respondent herein. The mere fact that she comes on record does not mean there is a recognition has been granted by the Court that she is the Madathipathi of the concerned institution. She is only being brought on record as a legal representative under Section 2(11) to continue the proceedings. In the light of this discussion, I do not find any reason to interfere with the order.

7. In the result, the civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

26.09.2024

Index : Yes / No

Speaking order : Yes / No

NCC : Yes / No

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Note: Upload this order copy forthwith.

To



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The Principal Sub Court, Nagapattinam.

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V.LAKSHMINARAYANAN, J.,

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