



C.R.P(MD)No.274 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.274 of 2024

and

C.M.P(MD)No.1227 of 2024

1.Arulmighu Kanma Udaiyar Sastha Temple,
Represented by its President,
Chettikulam Hindu Nadar Community,
S.Duraisamy,

2.Arulmighu Kanma Udaiyar Sastha Temple,
represented by its Secretary,
Chettikulam Hindu Nadar Community,
S.Velmurugan

... Petitioners / Petitioners

Vs

1.Velayutham
2.Sankarapandi
3.Pothikachalam,
4.Gunasekaran,
5.Kannan
6.Suriya Narayanan
7.Sankar



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8.Sailappan

9.The Sub-Inspector of Police,
Azhwarkurichi Police Station,
Main Road, Azhwarkurichi Village,
Tenkasi Taluk

10.The Tahsildhar,
Main Road, Tenkasi Village,
Tenkasi Taluk.

11.The State of Tamil Nadu,
represented by the District Collector,
Tenkasi, Main Road,
Tenkasi Village and Taluk.

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.3 of 2023 in O.S.No.10 of 2021 dated 29.11.2023 on the file of the Additional District Munsif Court, Ambasamudram by allowing this Civil Revision Petition.

For Petitioners : Mr.N.Vignesh

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order passed in I.A.No.3 of 2023 in O.S.No.10 of 2021 dated 29.11.2023 on the file of the Additional District Munsif Court, Ambasamudram by allowing this Civil Revision Petition.



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2. The facts in brief is that, a suit in O.S.No.10 of 2021 was filed by this petitioners seeking the relief of declaration that the suit temple belongs to Hindu Nadar Community people and for permanent injunction, restraining the defendants from prevent or intervene into the management of the temple. After appearance of the defendants, they filed written statement and trial commenced. Pending the trial process, a petition was taken out by these petitioners in I.A.No.3 of 2023 with the following averments: i) During the cross examination of P.W.1, a question was put to him as to how many idols are available. ii) The date of construction of the temple and other some relevant facts. Since some doubt is raised by the defendants, as to the identity of the property, they wanted appointment of commissioner to file a report as to the physical condition and other surrounding area. That came to be resisted by the respondents stating that there is no necessity for appointment of commissioner. To show how many idols are available, it is enough if photographs are produced. After hearing both sides, the trial Court thought it fit to dismiss this petition stating that absolutely, there is no necessity. Apart from that it is also stated that already photographs were



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produced. For resolving the issue, there is no necessity for the appointment of advocate commissioner. Against the above said findings and dismissal order, this Civil Revision Petition has been preferred by these petitioners.

3. Simply because some questions are asked by the respondent during the cross examination of the evidences, with regard to the availability of the idols and their numbers, it is not necessary to appoint an advocate commissioner. As observed by the trial Court, photographs are already submitted. Regarding the location of the property also there is no issue between the parties. As observed by the trial Court, the only point to be decided is, whether the suit temple is in the management of the petitioners. For deciding the issue, appointing an advocate commissioner is unnecessary. Moreover, after the evidence of P.W.1 was over, the petition came to be filed. So I find absolutely no reason to interfere with the order passed by the trial Court.



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4. With the above observation, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

07.02.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No

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To

- 1.The Additional District Munsif, Ambasamudram.
- 2.The Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN, J.

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ORDER
IN
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and
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