



C.R.P(MD)No.1293 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.1293 of 2024

and

C.M.P(MD)Nos.7443 & 15618 of 2024

M.Mamudi

... Petitioner /
Respondent /
Plaintiff

Vs.

J.Bala Murugan

... Respondent /
Petitioner /
Defendant

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the impugned order dated 27.07.2021 passed in I.A.No.687 of 2022 in O.S.No.276 of 2015, by the I Additional District Munsif Court, Madurai Town.

For Petitioner : Mr.R.Srinivasan

For Respondent : Mr.S.Alagarsamy



C.R.P(MD)No.1293 of 2024

ORDER

WEB COPY

O.S.No.276 of 2015 was instituted on behalf of Maravar Shavadi by one Mamundi / revision petitioner herein claiming to be its trustee. The suit was for injunction. In the suit, one Muruganantham and Balu were shown as defendants. The defendants have admittedly passed away. Therefore, the cause of action also dies. While so, the respondent herein filed I.A.No.687 of 2022 claiming to be the trustee of Maravar Shavadi. It was allowed vide order dated 06.02.2024. Questioning the same, this Civil Revision Petition has been filed.

2.I am more than satisfied that the impugned order has to be set aside. Of course, it is open to Thiru.J.Balamurugan / respondent herein to challenge the status and standing of Mamundi to represent Maravar Shavadi as its trustee. But then, this challenge must have been mounted when the suit was alive. The suit died the moment the defendants died. Therefore, leaving open the issue as who is the trustee of Maravar Shavadi and granting liberty to Thiru.J.Balamurugan to question the stand of Mamundi as and when he files any fresh suit. The impugned order is set aside.

2/4



C.R.P(MD)No.1293 of 2024

3.This Civil Revision Petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

29.10.2024

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

To

The First Additional District Munsif Court,
Madurai Town.



WEB COPY



C.R.P(MD)No.1293 of 2024

G.R.SWAMINATHAN, J.

MGA

C.R.P(MD)No.1293 of 2024
and
C.M.P(MD)Nos.7443 & 15618 of 2024

29.10.2024