



C.R.P(MD)No.729 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.06.2024**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.729 of 2018

and

C.M.P(MD)No.3172 of 2018

Harikrishnan

... Petitioner/Petitioner
Plaintiff

Vs.

1.The State of Tamil Nadu,
Represented by its
District Collector,
Madurai.

2.The Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Represented by its Commissioner,
Chennai.

3.The Executive Officer,
Vinayakar Kovil,
Elumalai,
Peraiyur Taluk,
Madurai District.

... Respondents 1 to 3/
Respondents 1 to 3/
Defendants 1 to 3



C.R.P(MD)No.729 of 2018

4.Pappathi

5.Vaasimalai

6.Nagaraj

7.Pitchairaja

8.Easwaran

9.Kannan

10.Nagendiran

11.Rameshbabu

12.Nagaiah Samy

13.Subburaj

14.Pathrakali

15.Ganesan

... Respondents 4 to 15/
Proposed Respondents 4 to 15/
Proposed defendants 4 to 15

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed by the District Munsif cum Judicial Magistrate at Peraiyur, dated 26.02.2018 in I.A.No.100 of 2016 in O.S.No.530 of 2014.



WEB COPY



C.R.P(MD)No.729 of 2018

For Petitioner : M/s.A.Niveditha
for Mr.S.Madhavan

For R-1 : Mr.C.Satheesh
Government Advocate

For R-2 : Mr.P.Subbaraj
Special Government Pleader

For R-3 : Mr.S.Manohar

For R-5 & R-14 : No appearance

R-4, R-6 to R-10
& R-15 : Died

ORDER

The present revision petition has been filed by the plaintiff in O.S.No.530 of 2014 challenging an order wherein, the Trial Court has rejected an application to implead the vendors of the plaintiff.

2. The petitioner herein as plaintiff has filed the above said suit before the District Munsif cum Judicial Magistrate Court at Peraiyur for the relief of declaration of title and permanent injunction.



C.R.P(MD)No.729 of 2018

3. Originally the State of Tamil Nadu, Tamil Nadu Hindu Religious and Charitable Endowments Department and Executive Officer of Vinayagar Koil, Elumalai were impleaded as defendants 1 to 3 in the suit. They have filed a written statement contending that the vendors of the plaintiff do not have any title to alienate the same in favour of the plaintiff. Within five months from the date of filing of the said petition, the plaintiffs have filed I.A.No.100 of 2016 for impleading his vendors. The said application has been dismissed by the Trial Court on the ground that, the plaintiff is not seeking any prayer as against his vendors and therefore, his vendors could be examined as witnesses on the side of the plaintiff to prove the title. This order is under challenge in the present revision petition.

4. The learned Counsel appearing for the revision petitioner has relied upon an order of this Court, dated 16.10.2023 in C.R.P(MD)No. 2013 of 2017. The said revision petition was filed by another person as against the same Temple, who is owning the adjacent property. In the said suit also, an attempt was made to impead the vendors of the plaintiff



C.R.P(MD)No.729 of 2018

and the same was rejected. This Court in the above said order had relied upon the judgment of the Hon'ble Supreme Court of India reported in **1992 (2) SSC 524 [Ramesh Hiranand Kundanmal Vs. Municipal Corporation of Greater Bombay and Others]** and the judgment of this Court in **2013 (2) MWN (Civil) 510 [Alladi Staram Vs. P.L.Finance and Investment and Limited and Others]** and has proceeded to allow the revision petition, permitting the plaintiff therein to implead his vendors. Since the present plaintiff is also similarly placed person, this Court is inclined to allow the present revision petition.

5. The order of the Trial Court in I.A.No.100 of 2016 is hereby set aside and the said application stands allowed. Hence, this Civil Revision Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

03.06.2024

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

5/7



C.R.P(MD)No.729 of 2018

To

WEB COPY

- 1.The District Collector,
The State of Tamil Nadu,
Madurai.
- 2.The Commissioner,
The Tamil Nadu Hindu Religious and
Charitable Endowments Department,
Chennai.
- 3.The Executive Officer,
Vinayakar Kovil,
Elumalai,
Peraiyur Taluk,
Madurai District.
- 4.The District Munsif cum Judicial Magistrate,
Peraiyur.
- 5.The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P(MD)No.729 of 2018

R.VIJAYAKUMAR, J.

BTR

Order made in
C.R.P(MD)No.729 of 2018

03.06.2024