



C.R.P.(MD).No.1555 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD)No.1555 of 2019

and

C.M.P(MD) No.8250 of 2019

G.Thangamail

... Petitioner/Petitioner/Plaintiff

-VS-

People of Paraiyar Community,
Residing at,
Kamatchipuram,
Uthamapalayam Taluk,
Theni District,
Represented through their representatives.

1. S.Subbaiah,
President of Kamatchipuram,
Paraiyar Uravinmurai,
Residing at
D.No.235, Ambedkar Colony,
Ward No.3, Kamatchipuram,
Uthamapalayam Taluk,
Theni District.

2. P.Pachaiappan
3. E.Chinnasami

... Respondents/Respondents/
Defendants



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PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 19.07.2019 made in I.A.No.591 of 2017 in O.S.No.83 of 2017 on the file of the District Munsif Court, Uthamapalayam.

For Petitioner : Mr.A.Arumugam
for M/s.Ajmal Associates

For Respondents : Mr.R.Surianarayanan

ORDER

The present Civil Revision Petition has been filed by the plaintiff in O.S.No.83 of 2017 on the file of the District Munsif Court, Uthamapalayam, challenging the order in I.A.No.591 of 2017 wherein, the trial Court has dismissed the application filed under Order 1 Rule 8 of C.P.C.

2. The plaintiff had filed the above said suit for the relief of permanent injunction as against the members of a particular Community, living at Kamatchipuram Village, Uthamapalayam Taluk, Theni District, to be represented by the three named defendants. The plaintiff had filed I.A.No.591 of 2017 under Order 1 Rule 8 of C.P.C., so that, the three named defendants



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could be arrayed as representatives of the particular community in the said village. Under the direction of the Court, a paper publication has been effected calling for objections whether the three named defendants could be treated as representatives of their particular community. However, it is seen that no objections have been raised by the representatives of the community within the date specified by the Court. The named defendants have filed a counter in the interim application contending that they cannot be treated as the representatives of the particular community. The trial Court was under impression that all these three named defendants have been impleaded as representatives of some particular organization or an association. Based upon the said understanding, the trial Court has dismissed application filed under Order 1 Rule VIII of C.P.C on the ground that the three named defendants can never be treated as representatives of the particular community. Challenging the same, the present Civil Revision Petition has been filed.

3. A perusal of the records clearly indicate that the three named defendants do not dispute that they belong to the particular community and they also don't dispute that they are residing in the said village, for which, they are added as representatives. When, that being so, the question of



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dismissing the application under Order 1 Rule 8 of C.P.C does not aware, especially, in the light of the fact that no other person in the said community in the said village have objected to the arraying of the three named defendants as representative of the particular community.

4. In view of the above said facts, the order passed by the trial Court is not legally sustainable and the same is set aside, I.A.No.591 of 2017 stands allowed, the trial Court is directed to proceed further in accordance with law.

5. Accordingly, this Civil Revision Petition stands allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

05.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
1. The District Munsif Court,
Uthamapalayam.



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R.VIJAYAKUMAR,J.

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