



C.R.P(MD)No.1248 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.1248 of 2014

Eighteen Pattarai (Jathiyar)

Samudhaya Trust, Srirangam,

Represented by its Trustee,

Srinivasan

... Petitioner/1st Respondent
Plaintiff

Vs.

1.Murugesan

... Respondent/Petitioner
Proposed 2nd Plaintiff

2.The State of Tamil Nadu,

Represented by the District Collector,

Trichy.

... Respondent/2nd Respondent
1st Defendant

3.Tahsildar,

Tahsildar Office,

Srirangam, Trichy District.

... Respondent/3rd Respondent
2nd Defendant

4.Commissioner,

Trichy Corporation,

Corporation Office,

Trichy-01.

... Respondent/4th Respondent
3rd Defendant

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5.Manoranjitham
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... Respondent/5th Respondent
4th Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the impugned order, dated 07.04.2014 in I.A.No.260 of 2014 in O.S.No.815 of 1999 on the file of the learned I Additional District Munsif, Trichy.

For Petitioner	: Mr.K.S.Vamsidhar
For R-1	: Mr.T.Vadivelan
For R-2 & R-3	: Mr.C.Satheesh Government Advocate
For R-4	: No appearance
R-5	: Died

ORDER

The present revision petition has been filed by the plaintiff in O.S.No.815 of 1999 on the file of the I Additional District Munsif Court, Tiruchirappalli challenging an order passed by the Trial Court in I.A.No. 260 of 2014.



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2. Eighteen Pattarai (Jathiyar) Samudhaya Arakattalai, Srirangam

represented by its trustee, namely, one Parvathiammal has filed the above said suit as against the Government Officials and one private party, namely, Manoranjitham for the relief of declaration of title and permanent injunction. Pending suit, the trustee, namely, Parvathiammal had passed away on 28.08.2000. Her son, namely, Mr.Srinivasan got himself substituted as the trustee of the plaintiff trust by filing I.A.No. 664 of 2003. The said application was allowed on 23.12.2003.

3. While the suit was pending adjudication, the first respondent herein had filed I.A.No.260 of 2014 claiming that he is the trustee of the plaintiff trust. As per the prayer in the said application, he wanted to implead himself as the second plaintiff in the suit. A careful perusal of the prayer in I.A.No.260 of 2014 clearly indicates that he wants to implead himself in the suit as the second plaintiff in his individual capacity without disturbing the first plaintiff trust.



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4. When the order impugned in the revision petition is perused, it is clear that the Trial Court instead of permitting the proposed party to be impleaded as second plaintiff in the suit, had substituted the proposed party in the place of Mr.Srinivasan and the said Mr.Srinivasan has been transposed as the fifth defendant in the suit. Therefore, it is clear that the order passed by the Trial Court is not in consonance with the prayer that was sought for by the proposed party, namely, Mr.Murugan. The learned Counsel appearing for the revision petitioner submits that the proposed party does not have any rights to represent the trust and his earlier attempts were unsuccessful. This issue may also be considered by the Trial Court at the time of considering I.A.No.260 of 2014 on merits.

5. In view of the above said facts, the order passed by the Trial Court in I.A.No.260 of 2014 on 07.04.2014 is hereby set aside and the interlocutory application is remitted back to the file of the Trial Court for fresh consideration in the light of the observations made by this Court.



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6. This Civil Revision Petition stands allowed with the above said observation. There shall be no order as to costs.

14.06.2024

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

To

- 1.The I Additional District Munsif,
Trichy.
- 2.The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai.
- 3.The District Collector,
The State of Tamil Nadu,
Trichy.
- 4.The Tahsildar,
Tahsildar Office,
Srirangam, Trichy District.
- 5.The Commissioner,
Trichy Corporation,
Corporation Office, Trichy-01.

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R.VIJAYAKUMAR, J.

BTR

Order made in
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