



C.R.P(MD)No.2030 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.04.2024**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.2030 of 2018

and

C.M.P(MD)No.8973 of 2018

Arulmighu Renganathaswamy

Devasthanam Vagaiyara,

Through its Executive Officer/

Joint Commissioner,

Arulmighu Renganathaswamy Devasthanam,

Srirangam, Trichy-6.

... Petitioner/1st Petitioner/

1st Defendant

Vs.

1.Kovil Sri Vedaviyasa R.Lakshmi

Narasimma Pattar Swamigal.

2.Kovil Sri Vedaviyasa L.Senthamaraikkannan

Pattar Swamigal.

... Respondents/Respondents 1,2/

Plaintiffs

3.The Chairman,

Board of Trustees,

Arulmighu Renganathaswamy Devasthanam,

Srirangam,

Tiruchirappalli-6.

... 3rd Respondent/2nd Petitioner/

2nd Defendant

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside fair and decreetal order, dated



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02.08.2018 passed in I.A.No.400 of 2018 in O.S.No.660 of 2016 on the file of III Additional District Munsif, Tiruchirappalli.

For Petitioner : Mr.M.Saravanan

For R1 & R2 : P.Thiyagarajan

For R3 : No Appearance

ORDER

The present revision petition has been filed by the 1st defendant in O.S.No.660 of 2016 on the file of the III Additional District Munsif Court, Tiruchirappalli challenging the order passed by the trial Court, wherein the request of the 1st defendant to try a particular issue as a preliminary issue has been rejected.

2. The plaintiffs had filed a suit for a declaration that the letter, dated 11.04.2016 is void on the ground that both the plaintiffs are entitled to administer a particular sub-temple on a hereditary basis and they have also prayed for a permanent injunction. A written statement has been filed by the 1st defendant Temple contending that the suit is not maintainable in view of the implied bar under Section 63 (e) of the Hindu Religious and Charitable Endowments Act. Though the written statement was filed in the year 2017, an application to try the issue relating to the maintainability of the suit and the lack of jurisdiction of the Civil Court



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was raised only in I.A.No.400 of 2018. The trial Court after considering the submissions on either side, proceeded to hold that the suit has been filed only challenging the validity of a particular letter issued by the temple and therefore, the issue of considering the maintainability of the suit as a preliminary issue would not arise. Challenging the same, the present revision petition came to be filed.

3. Considering the fact that the 1st defendant has raised the issue of maintainability of the suit in view of Section 63 (e) of the Hindu Religious and Charitable Endowments Act even in the written statement, the 1st defendant is at liberty to raise the issue during trial. It is also brought to the notice of the Court that the trial has already begun and the evidence of P.W.1 has already been closed.

4. Therefore, granting liberty to the 1st defendant, this Civil Revision Petition stands disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

05.04.2024

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

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To

- 1.The III Additional District Munsif,
Tiruchirappalli.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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Order made in
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