



CRP No.5585 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No.5585 of 2025 and
CMP No.28040 of 2025**

1. Gopal
- 2 . Ganesan
- 3 . Srinivasan
- 4 . Murugan
- 5 . Kanniyappan
- 6 . Paranthaman

... Petitioner(s)

Vs.

Arulmighu Mariammal Temple,
rep. By its Trustee
G.Muthiyalu (died), s/o Govinda Chettiyar.

M.Senthilkumar

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 19.02.2025 passed in I.A.No.1 of 2024 in A.S.No.4 of 2019 on the file of Sub Court, Madurantakam and allow the civil revision petition.

For Petitioner(s) : Mr.R.Murali



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ORDER

This Civil Revision Petition is filed challenging the order passed by the appellate Court, allowing the application filed by the respondents, seeking impleadment of one M.Senthilkumar, on the death of earlier Trustee of Arulmighu Mariammal Temple, namely G.Muthiyalu.

2. The respondent herein, namely Arulmighu Mariammal Temple represented by its Trustee G.Muthiyalu filed a suit for bare injunction restraining the petitioners/defendants from interfering with the administration of the temple. It was the specific case of the respondent/plaintiff that the suit temple was established by Baliya Naidu Chettiyar Community people of the Village and they have been doing all poojas and functions of the temple. It was also the case of the plaintiff that the Trustees of the temple have been appointed at the meeting of the community people. The petitioners/defendants, without having any right to administer the temple, attempted to interfere with the administration. Therefore, the respondent/plaintiff was constrained to file a suit in O.S.No.293 of 2015 for bare injunction against the petitioners/defendants. The said suit was dismissed by the Trial Court on 23.10.2018. Challenging the said judgment, the plaintiff filed an appeal in A.S.No.4 of 2019. When the appeal was pending, the trustee of the temple G.Muthiyalu, who filed the suit, died and one M.Senthil Kumar was appointed as Trustee of the temple.



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Hence, the respondent/plaintiff filed the instant application to include his name in the place of deceased G.Muthiyalu. The said application was allowed by the appellate court and aggrieved by the same, the petitioners have come before this court.

3. The learned counsel for the petitioners would submit that the said Arulmigu Mariamman Temple is the public Village temple and the respondent community are not entitled to appoint any trustee for the temple. In such circumstances, the first appellate court committed an error in allowing the application for impleadment filed by the respondent, based on the resolution produced before it.

4. It was the specific case of the respondent/plaintiff that the suit temple was established by Baliya Naidu Chettiar Community people and they alone got right of administration. The said averment was denied by the petitioners/defendants. Therefore, whether the Baliya Naidu Chettiar Community people are entitled to appoint trustee to the temple or not is a question to be decided in the main suit. The first appellate court, rightly allowed the impleading application and permitted the appointed person to come on record to continue the appeal. Including the name of the appointed trustee to represent the temple in the appeal, will not affect the right of the petitioners in any way. The capacity of the person to represent the temple will be decided at the time of final disposal of the appeal. The right of the petitioners has



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been preserved by the first appellate court in the impugned order, by saying that the capacity of the respondent to represent the temple will be decided at the time of final disposal of the appeal. Therefore, I do not find any error in the impugned order to interfere the same.

5 . Accordingly, this civil revision petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed. The petitioners are entitled to raise all the objections at the time of final disposal of the appeal.

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MST

To

The Sub Court, Madurantakam.



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S.SOUNTHAR, J.

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