



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.03.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.369 of 2025

and

C.M.P(MD)No.2107 of 2025

Executive Officer,
Pudukottai Devasthanam
A/M Prahathambal Thirukoil near
Thirukokarnam
Pudukottai Town and District.

...Petitioner/Petitioner/Proposed party

Vs.

Meenatchi (died)

1.Marikannu
2.Rengasamy
3.Palanisamy
4.Selvaraj

...Respondents/Respondents/Plaintiffs
...4th Respondent/5th Respondent/Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order dated 30.04.2024 made in I.A.No.897 of 2023 in O.S.No.104 of 2013 on the file of the District Munsif Court, Pudukkottai.

For Petitioner : Mr.V.Chandrasekar

For Respondents : Mr.S.Ramasamy for R1 to R3
Mr.D.Ramesh Kumar for R4

* * * * *



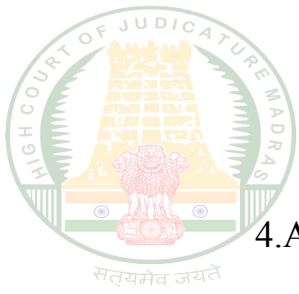
ORDER

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A third party to O.S.No.104 of 2013, on the file of the District Munsif Court, Pudukottai, has filed the present revision petition, challenging the dismissal of his application to get himself impleaded in the suit.

2.The respondents 1 to 3 herein as plaintiffs had filed the above said suit for the relief of permanent injunction as against the fourth respondent herein. As per the plaint averments, the plaintiffs had contended that they are the owners of the properties and in the said capacity, they are in possession of the suit schedule property.

3.Pending suit, the revision petitioner herein, who is the Executive Officer of Pudukottai Devasthanam had filed I.A.No.897 of 2023 to get himself impleaded in the suit as the defendant. A perusal of the affidavit filed in support of the application reveals that the Pudukottai Devasthanam claims title to the property and contends that the plaintiffs are the tenants of the said property under Pudukottai Devasthanam. The plaintiffs had filed counter disputing the title of the Temple. The trial Court has proceeded to dismiss the impleading application on the ground that in a suit for permanent injunction, a third party claiming the title to the property is not a necessary party. Challenging the same, the present revision petition has been filed.

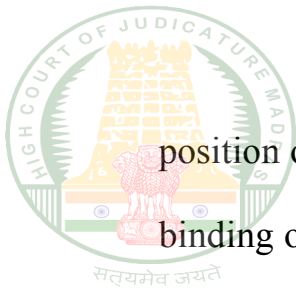


4. According to the learned Counsel appearing for the revision petitioner/Pudukottai Devasthanam, the plaintiff is claiming the title to the property adverse to that of Temple. Further, they have also created certain registered documents in their favour and mutated the revenue records. In such circumstances, if the trial Court proceeds to grant the decree for permanent injunction in favour of the plaintiffs, that would cause great prejudice to the Pudukottai Devasthanam.

5. Per contra, the learned Counsel appearing for the plaintiff had contended that the suit for permanent injunction has been filed as against the sole defendant in the suit and the present revision petitioner being a third party, is neither necessary party nor the proper party to the suit.

6. I have considered the submissions made on either side and perused the materials available on record.

7. Admittedly, the suit is for permanent injunction to protect the alleged possession to the plaintiffs in the suit schedule property. Even according to the revision petitioner, the Pudukottai Devasthanam is not in possession of the property but only the tenants are in possession of the property. Further, the revision petitioner claims that they are the owners of the property. It is settled



position of law that any decree passed in the permanent injunction suit would be binding only upon the parties to the proceedings and the persons claiming under them.

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8.Any judgment and decree in the suit will not be binding upon the revision petitioner/Pudukottai Devasthanam. If they are so advised, they are always entitled to initiate proceedings under the appropriate provisions of the Tamil Nadu Hindu Religious and Charitable Endowment Act, as against the plaintiffs.

9.With the above said observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

18.03.2025

Internet:Yes/No
Index:Yes/No
RJR

To

The learned District Munsif, Pudukkottai.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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