



C.R.P.(PD)(MD)Nos.774 to 776 of 2021

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)Nos.774 to 776 of 2021

and

C.M.P(MD)No.4226 of 2021

C.R.P(PD)(MD)No.774 of 2021

1.Viswakarma Samudayam,
Panagudi.
Rep. by its President
Balasubramanian
*(for himself and for Panakudi Viswakarma
community people)*

2.S.P.Sankaran Asari
3.P.P.Manikandan
4.S.Natarajan

...Petitioners/Petitioners/Plaintiffs

Vs.

S.Dasan(Died)

...1st Petitioner/1st Defendant

1.C.Joseph Raj

2.The Executive Officer,
Arulmigu Ramalingasamyswamy Temple Devasthanam,
Valliyur, Radhapuram Taluk,
Tirunelveli District.

3.The Commissioner,
HR & CE Department,
Nungampakkam, Chennai - 34.



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4.Arulmigu Ramalingasamy Kovil,
Panagudi, rep. by its Executive Officer,
Main Road, Panagudi,
Radhapuram Taluk,
Tirunelveli District.

...Respondents/Respondents 2 to 5/
Defendants 2 to 5

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and executable order, dated 05.02.2021 made in I.A.No. 06 of 2021 in O.S.No.284 of 2000, on the file of the Principal District Munsif Court, Valliyoor.

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1.Viswakarma Samudayam,
Panagudi.
Rep. by its President
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1.C.Joseph Raj

2.The Executive Officer,
Arulmigu Ramalingasamyswamy Temple,
Panagudi having headquarters at
Arulmigu Subramania Swamy Temple Devasthanam,
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Tirunelveli District.



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HR & CE Department,
Nungampakkam, Chennai - 34.

4.Arulmigu Ramalingasamy Kovil,
Panagudi, rep. by its Executive Officer,
Main Road, Panagudi,
Radhapuram Taluk,
Tirunelveli District.

...Respondents/Respondents 2 to 5/
Defendants 2 to 5

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and executable order, dated 05.02.2021 made in I.A.No. 07 of 2021 in O.S.No.284 of 2000, on the file of the Principal District Munsif Court, Valliyoor.

C.R.P(PD)(MD)No.776 of 2021

1.Viswakarma Samudayam,
Panagudi.
Rep. by its President
Balasubramanian
*(for himself and for Panakudi Viswakarma
community people)*

2.S.P.Sankaran Asari
3.P.P.Manikandan
4.S.Natarajan

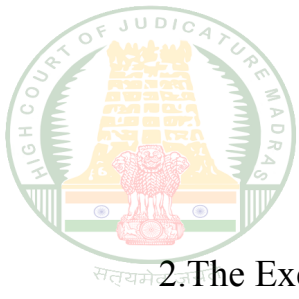
...Petitioners/Petitioners/Plaintiffs

Vs.

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2.The Executive Officer,
Arulmigu Ramalingasamyswamy Temple,
Panagudi having headquarters at
Arulmigu Subramania Swamy Temple Devasthanam,
Valliyur, Radhapuram Taluk,
Tirunelveli District.

3.The Commissioner,
HR & CE Department,
Nungampakkam,
Chennai - 34.

4.Arulmigu Ramalingasamy Kovil,
Panagudi, rep. by its Executive Officer,
Main Road, Panagudi,
Radhapuram Taluk,
Tirunelveli District.

...Respondents/Respondents 2 to 5/
Defendants 2 to 5

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and executable order, dated 05.02.2021 made in I.A.No. 08 of 2021 in O.S.No.284 of 2000, on the file of the Principal District Munsif Court, Valliyoor.

For Petitioners : M/s.R.Suriyanarayanan (in all CRP's)

For Respondents : Mr.C.Guhaseela Rupan for R2 & R4
Mr.S.P.Maharajan
Special Government Pleader for R3
(in all CRP's)

* * * * *



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COMMON ORDER

The plaintiffs in O.S.No.284 of 2000, on the file of the Principal District Munsif Court, Valliyoor, are the revision petitioner herein.

2.The above said suit had been filed for the relief of declaration of title that the suit schedule property belongs to Viswakarma Samudhayam, Panagudi and recovery of possession from the defendants 1 and 2. The plaintiffs had also prayed for other reliefs.

3.A perusal of the plaint averments reveal that the said Samudhayam had claimed title to the super structure of the property on the basis of a sale deed, dated 03.09.1965, said to have been executed by one Sheik Mohamed Maraikayar in favour of the Samudhayam. The plaintiffs had claimed that they are full and absolute owners of the property specified in the schedule. Along with the plaint, as document No.1, the plaintiff has annexed a xerox copy of Epigraph wordings taken from existing the Mutharamman Kovil of Viswarkarma Samudayam, Panagudi.

4.After the evidence was closed on either side, when the suit was posted for arguments, the plaintiffs had filed I.A.Nos.6,7 and 8 of 2021 for the



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purposes of reopening the case, to summon a Tamil scholar, namely, Mr.Senthe.Natarajan and mark a letter written by him to the Samudhayam, which deciphers the epigraph wordings found in Ex.A1. These applications came to be dismissed by the trial Court on the ground that there are no pleadings to the effect and after 21 years, the present application has been filed to introduce the new documents without any pleadings, whatsoever. Challenging the same, the present revision petition has been filed.

5.According to the learned Counsel appearing for the revision petitioners, the epigraph wordings taken from the Mutharamman Kovil of Viswarkarma Samudhayam, Panangudi would reveal that the land was donated to the said Samudhayam and the said epigraph had already been marked as Ex.A1. He had further contended that the said stone inscription from which the epigraph was taken, had already been marked before the Court. However, the said inscription could not be read by anyone and therefore, the plaintiffs had filed the present application to examine the Tamil scholar who has the expertise to decipher the stone inscription. Therefore, it is not an introduction of any new evidence without any pleadings. He further contended, that in case, if the said Tamil scholar is not examined, no purpose would be served in marking the xerox copy of the epigraph or the stone inscription. Because none of us would be in a



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position to understand the old tamil.

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6.Per contra, the learned Special Government Pleader appearing for the third respondent herein had contended that there is no clarity, whatsoever, in the plaint pleadings, whether the land was donated to this Samyudhayam or not. When there is no pleading at all, the question of introducing the said evidence, when the suit is posted for arguments, is not sustainable in law. He further contended that the suit is of the year 2000 and when the plaintiffs had already marked a xerox copy of a epigraph. However, belatedly, these applications have been filed to drag on the proceedings. Hence, he prayed for dismissal of the revision petition.

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

8.A perusal of the paragraph No.2 of the plaint reveals that Samudhayam had claimed that they are full and absolute owner of the property specified in the schedule mentioned hereunder and they have purchased the superstructure as per the registered sale deed, dated 03.09.1965. Along with the plaint, a xerox copy of the epigraph wordings had been enclosed and it had already been



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marked as Ex.A1.

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9. According to the learned Counsel appearing for the plaintiffs, the stone inscription was produced before the Court, without any objection. A perusal of a xerox copy of an epigraph's wordings would clearly indicate that they are in old Tamil and the Court will not be in a position to decipher anything from the said epigraph's wordings, unless it is deciphered by an expert.

10. In such circumstances, the present applications have been filed to reopen the plaintiffs' side and to summon a Tamil scholar who has acquainted with the old Tamil language. Another application has been filed to produce the new Tamil version of the old epigraph, so that it could be understood by everyone and the Court can appreciate the contents of the already marked documents. Therefore, this Court is of the considered opinion that the plaintiffs have not introduced any evidence without pleadings. There are already pleadings and evidence before the Court. Only to clarify the evidence by way of deciphering the documents which are already marked, the present attempt has been made by the plaintiffs. In such circumstances, the order passed by the trial Court is not sustainable and the order impugned in the revision petition is hereby set aside and these Civil Revision Petitions stand allowed.



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11. Considering the fact that the suit is pending from the year 2000 onwards, the trial Court is directed to dispose of the suit on or before **31.07.2025**. Accordingly, these Civil Revision Petitions stand allowed. No costs. Consequently, connected miscellaneous petition is also closed.

20.02.2025
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Internet: Yes/No
Index: Yes/No
RJR

To

The Principal District Munsif Court, Valliyoor.

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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