



C.R.P.(MD)Nos.1779 & 1780 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD].(MD)Nos.1779 & 1780 of 2025

and

C.M.P.(MD)Nos. 9678 & 9679 of 2025

C.R.P.[PD].(MD)No.1779 of 2025:

Sri Vysaraja Mutt (Soosale),
Represented by its Present Pontiff, Sosale,
Residing at Thirumukudulu, T.Narasipura Tauk,
MysoreDistrict, Karnataka State

...Petitioner

Vs.

V.Swaminathan

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to strike off the plaint in O.S.No. 138 of 2025, on the file of the Additional Subordinate Court at Kumbakonam.

For Petitioner : Mr.P.R.Krishnaraj

For Respondent : Mr.B.Anandan



C.R.P.(MD)Nos.1779 & 1780 of 2025

WEB COPY

C.R.P.[PD].(MD)No. 1780 of 2025:

Sri Vysaraja Mutt (Soosale) by its present pontiff

Through his power agent Jothiraman,

S/o. Vadivelu Aasari,

3rd Cross Street, Srinagar Colony,

Kumbakonam Taluk

...Petitioner

Vs.

1.V.Swaminathan

2.Palanisamy

3.Ganesan

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to strike off the appeal suit in A.S.No.16 of 2025, on the file of the Additional Subordinate Court at Kumbakonam.

For Petitioner : Mr.P.R.Krishnaraj

For Respondents : Mr.B.Anandan



C.R.P.(MD)Nos.1779 & 1780 of 2025

WEB COPY

COMMON ORDER

C.R.P.(MD)No.1779 of 2025 has been filed seeking to strike off the plaint in O.S.No.138 of 2025, on the file of the Additional Subordinate Court at Kumbakonam.

2.C.R.P.(MD)No.1780 of 2025 has been filed seeking to strike off the appeal suit in A.S.No.16 of 2025, on the file of the Additional Subordinate Court at Kumbakonam.

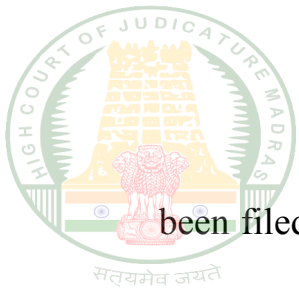
3.Learned Counsel for the petitioner would submit that the petitioner is a religious institution, which is a Mutt. Earlier, the petitioner Mutt filed a suit in O.S.No.7 of 1982, on the file of the District Munsif Court, Kumbakonam against one Palanisamy, who was inducted as a tenant in the five shops in the main premises. The said suit was filed for eviction as against the said Palanisamy, who had sub-let the property to third party without permission. The sub-tenants were also impleaded as party and the respondent is one such sub-tenant. After contest, as against the original tenant and sub-tenant, the suit was decreed on 15.07.1986. As against the decree, the tenant and the sub-tenants



C.R.P.(MD)Nos.1779 & 1780 of 2025

went on appeal before the trial Court as well as this Court and the decree was confirmed. Thereafter, they preferred SLP before the Hon'ble Supreme Court of India in SLP.No.1389/2002. The SLP also came to be dismissed. Thus the eviction of the respondent and others were confirmed by the Apex Court on 04.02.2002. As per the decision of the Apex Court, the petitioner filed Execution Petition for evicting the tenants from the Mutt shop premises in E.P.No.42 of 2023 in O.S.No.7 of 1982. The respondent filed an objection petition under Section 47 of CPC in E.A.No.17 of 2003, claiming title to two shops out of five shops in the suit property, on the ground as if the respondent and his father filed a suit for specific performance on the basis of oral agreement entered between the then plaintiff of the petitioner Mutt and the respondent's father Viswanathan in O.S.No.524 of 1999 and obtained ex-parte decree. On the basis of the ex-parte decree, the respondent's father filed E.A. No.104 of 2000, for execution of sale deed, pursuant to which the execution court executed the sale deed dated 20.03.2001.

4. After contest, the E.A.No.17 of 2003 was dismissed. Challenging the same, the respondent filed A.S.No.16 of 2025 on the file of Sub Court, Kumbakonam. For striking the A.S.No.16 of 2025, filed by the respondent, the petitioner filed C.R.P.(MD)No.1780 of 2025. C.R.P.(MD)No.1779 of 2025 has



C.R.P.(MD)Nos.1779 & 1780 of 2025

been filed to strike off the plaint in O.S.No.138 of 2025, on the ground that the very same respondent / plaintiff, who suffered the decree filed another suit before the trial Court on the basis of decree obtained in O.S.No.524 of 1999. For challenging a decree in O.S.No.7 of 1982 dated 15.07.1986, filing a subsequent suit is not maintainable. Once the suit is confirmed in the Hon'ble Supreme Court, the same cannot be challenged. It is impermissible. Accordingly, he prays for allowing both the Civil Revision Petitions.

5. Heard the learned Counsel for the petitioner.

6. Learned Counsel for the respondents reported no instructions.

7. Admittedly, the petitioner is a religious institution and the petitioner Mutt filed a suit in O.S.No.7 of 1982, on the file of the District Munsif Court, Kumbakonam against one Palanisamy, who was inducted as a tenant in the five shops in the main premises, for eviction, since the said Palanisamy, had sub-let the property to third party without permission. The sub-tenants were also impleaded as party and the respondent is one such sub-tenant. After contest, the suit was decreed on 15.07.1986. As against the decree, the tenant and the sub-tenants went on appeal before the trial Court as well as this Court and the



C.R.P.(MD)Nos.1779 & 1780 of 2025

decree was confirmed. Thereafter, SLP also came to be dismissed. Thus the eviction of the respondent and others were confirmed by the Apex Court on 04.02.2002.

8.In respect of A.S.No.16 of 2025, after the confirmation of the decree by the Hon'ble Supreme Court, the petitioner Mutt proceeded with the execution proceedings in E.P.No.42 of 2023, in which the respondent filed objections vide E.A.17 of 2003, which came to be dismissed. Aggrieved by the same, the first respondent herein filed A.S.No.16 of 2025.

9.The E.A. is based on the ex-parte decree obtained by the petitioner in O.S.No.524 of 1999. Admittedly, there was a decree in favour of the petitioner Mutt in O.S.No.524 of 1999 vide decree and judgment dated 15.07.1986 and the same was confirmed by the Hon'ble Apex Court. However, subsequently, the respondent and his father filed a suit as against the petitioner Mutt by impleading the then pontiff as one of the defendant, based on an oral agreement and obtained an ex-parte decree and executed decree. For the very same subject property for which a suit has already attained finality before the Hon'ble Apex Court, filing another suit is not maintainable and the same is an abuse of process of law in order to harass the petitioner Mutt. Further, after the disposal



C.R.P.(MD)Nos.1779 & 1780 of 2025

of the E.A., the respondents were evicted from the shop. Hence, nothing survives in A.S.No.16 of 2025.

10.Accordingly, both the Civil Revision Petitions are allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.08.2025

Internet:Yes/No

Index:Yes/No

MR



WEB COPY



C.R.P.(MD)Nos.1779 & 1780 of 2025

To

1.The Additional Subordinate Court,
Kumbakonam.

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



WEB COPY



C.R.P.(MD)Nos.1779 & 1780 of 2025

M.DHANDAPANI, J.

MR

C.R.P.(MD)Nos.1779 & 1780 of 2025

04.08.2025