



C.R.P.(MD)Nos.1568 to 1570 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.1568 to 1570 of 2022

and

C.M.P.(MD)No.6942 of 2022

1.S.Parthiban

2.M.Jegathambal

3.A.Subramanian

4.Maheshwari

...Petitioners in all C.R.Ps

Vs.

Arulmighu Kalyana Pasupatheeshwaraswamy

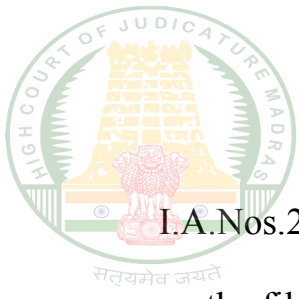
Thirukovil, Karur, Represented by its

Executive Officer,

Karur.

...Respondent in all C.R.Ps

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order passed in



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I.A.Nos.2, 4 & 1 of 2021 in O.S.No.94 of 2017, respectively dated 05.04.2022,

on the file of the Additional District Munsif, Karur.

For Petitioners : Mr.K.Suresh

For Respondent : Mr.P.Athimoola Pandian

ORDER

These petitions have been filed seeking to set aside the fair and decreetal order passed in I.A.Nos.2, 4 & 1 of 2021 in O.S.No.94 of 2017, respectively dated 05.04.2022, on the file of the Additional District Munsif, Karur.

2.The petitioners are the plaintiffs in O.S.No.94 of 2017, on the file of the Additional District Munsif Court, Karur. They filed a suit for declaration declaring the order passed by the defendant dated 08.09.2016, fixing the fair rent for the suit properties as null and void and for permanent injunction as against the respondent temple. The said suit was filed in the year 2017. After evidence was over, the petitioners came to know that the document dated 08.09.2016 has not been marked before the trial Court. Since the said document is an essential document, the petitioners wanted to mark the said document before the trial Court and thereby, they filed three interlocutory applications in

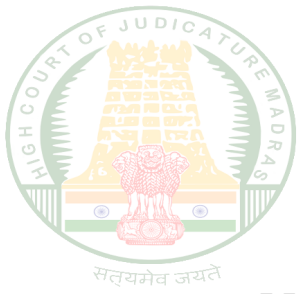


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I.A.Nos.2, 3 & 1 of 2021, for reopening, re-calling P.W.1 and marking the said document. All the three I.As were dismissed by the trial Court. Challenging the same, the present Civil Revision Petitions have been filed.

3.Learned Counsel for the petitioners would submit that the petitioners are tenants under the temple and they occupied four shops, which was owned by the respondent temple. The respondent temple fixed the fair rent vide representation dated 08.09.2016. Aggrieved by the same, the petitioners filed a suit for declaration to declare the notice dated 08.09.2016, for fixing of fair rent as null and void. Unless the said document is marked, great prejudice would be caused to the petitioners and thereby, the dismissal of the said applications in I.A.Nos.2, 3 & 1 of 2021, is highly untenable and prays for allowing these Civil Revision Petitions.

4.When this Court posted a question on the petitioners as to whether they are paying any rent from the date of occupation, learned Counsel for the petitioners reported no instructions with regard to the payment of rent to the respondent temple.



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5.Learned Counsel for the respondent temple would submit that admittedly, the petitioners occupied the temple premises in the year 1999 and they have not paid any rent regularly and thereby, the fixation of rent was made by the temple authorities on 08.09.2016. Though as against the said order dated 08.09.2016, there is an appeal remedy available before the Joint Commissioner of HR & CE department, however, without exhausting the appeal remedy available under the HR & CE Act, intentionally the petitioners have filed a suit which is barred. Even then, the trial Court consumed a period of eight years and apart from that the plaintiffs side evidence was closed on 06.02.2019 and the defendant side evidence was closed on 18.03.2021 and the matter is repeatedly getting adjourned for arguments of the Counsel. However, the plaintiffs Counsel did not prefer to argue the matter before the trial Court and subsequently, the petitioners filed three I.As to re-open, re-call and to receive additional documents in I.A.Nos.2, 3 & 1 of 2021. Such applications have been filed only to drag on the proceedings. Till date, the petitioners have not even paid the admitted amount and the learned Counsel for the respondent vehemently opposed for these Civil Revision Petitions being allowed and prays for dismissal of these Civil Revision Petitions.



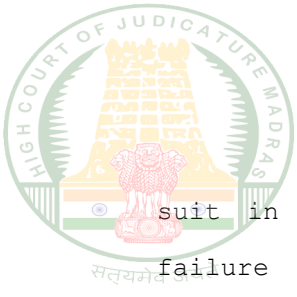
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6. Admittedly, the petitioners are the tenants under the respondent temple and they are in occupation of the shops belonging to the respondent temple from the year 1999. The temple authorities issued a notice dated 08.09.2016, fixing a fair rent for the shops rented out by the temple. Challenging the same, the petitioners have preferred a suit in O.S.No.94 of 2017, on the file of the Additional District Munsif Court, Karur, in which after the evidences were over, the petitioners have filed I.A.Nos.2, 3 & 1 of 2021, to re-open, re-call and to receive additional documents.

7. Admittedly, after the evidences were over, the petitioners have come up with the present I.As., when the suit is ripe for arguments, just to drag on the proceedings. It is also an admitted fact that the petitioners have not even paid the admitted rent till date. Citing the pendency of the civil suit, the petitioners have not paid the admitted rent. Such attitude of the petitioners cannot be entertained.

8. Accordingly, this Civil Revision Petition stands dismissed, with a cost of Rs.1,00,000/- to each of the petitioners, payable within a period of four [4] weeks from the date of receipt of a copy of this order. Upon receipt of payment of cost, the trial Court is directed to dispose of the



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suit in O.S.No.94 of 2017, within a period of three [3] months. Upon failure of payment of cost by the petitioners, the trial Court shall straightaway initiate eviction proceedings. The Joint Commissioner is directed to vacate the petitioners from the temple premises with the help of the jurisdictional police. Consequently, the connected miscellaneous petition is closed.

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Internet:Yes/No

Index:Yes/No

MR



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To

- 1.The Additional District Munsif,
Karur.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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