



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1856 of 2022

and

C.M.P.(MD).No.8336 of 2022

1.M.Ramadoss

2.Ponnappan

3.S.Radhakrishnan

4.Arulmigu Sowdhamman Kovil,

Sedapatti, Periyakulam Taluk,

Theni District.

Through its present Trustee

...Petitioners

Vs.

1.M.Chelliah

2.Arulmigu Sowdhamman Kovil,

Sedapatti, Vadugapatti,

Periyakulam Taluk,

Theni District,

through its present Trustee

3.The Deputy Commissioner,
HR and CE (Administration) Department,
Madurai-2.

...Respondents



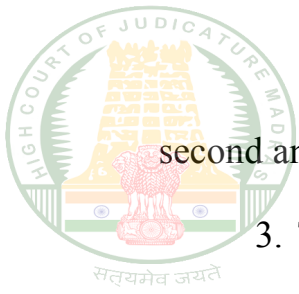
PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to allow this Civil Revision Petition and set aside the impugned fair and decreetal order passed by the learned Sub Judge, Periyakulam in I.A.No.1 of 2021 made in O.S.No.113 of 2019 dated 04.10.2021 insofar as partly allowing it.

For Petitioners	: Mr.R.Rajamohan
For R-1	: Mr.R.Shankar Ganesh
For R-3	: Mr.B.Saravanan, Additional Government Pleader

ORDER

This Civil Revision Petition has been filed to set aside the impugned fair and decreetal order passed by the learned Sub Judge, Periyakulam in I.A.No.1 of 2021 made in O.S.No.113 of 2019 dated 04.10.2021.

2. The first respondent herein filed a suit in O.S.No.113 of 2019 before the learned Sub Judge, Periyakulam, against the petitioners seeking for the relief to declare that the first respondent and his family members were in possession and enjoyment with the suit property from the year 1975 onwards and consequential relief for permanent injunction. During the pendency of the suit, the first respondent filed an interlocutory application in I.A.No.1 of 2021 before the trial Court under Order I Rule 10 (2) r/w Section 151 CPC seeking to strike out the fourth petitioner from the array of defendants and to implead the

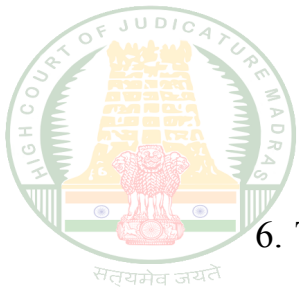


second and third respondents herein as defendants 5 and 6 in the suit.

3. The trial Court, by order dated 04.10.2021, refused to strike out the fourth defendant but allowed the impleading of defendants 5 and 6, observing that the third respondent herein is the Hindu Religious and Charitable Endowments (HR & CE) Department, and since the suit property is admittedly a temple property, both the HR & CE Department and the trustees of the temple are necessary parties. The Court further held that without hearing the fourth defendant / fourth respondent herein, no orders could be passed. Aggrieved by the said order, the present Civil Revision Petition has been filed.

4. The learned counsel for the petitioners submitted that the petitioners are defendants 1 to 4 in the suit and that the impleading of the fifth and sixth respondents is unnecessary. He contended that they are neither proper nor necessary parties to the suit, and hence, the trial Court erred in impleading them.

5. The learned counsel appearing for the first respondent submitted that the suit is one for declaration of possession over a temple property, and in such circumstances, both the HR & CE Department and the trustees are necessary parties for proper adjudication. He further submitted that the impleading order does not adversely affect the petitioners and that all issues can be contested by them before the trial Court rather than in a revision petition.



6. This Court has carefully considered the submissions of both sides and perused the materials placed on record. The suit property is admittedly temple property. In such cases, the HR & CE Department and the trustees of the temple are necessary parties to enable the Court to pass an effective decree and to avoid multiplicity of proceedings. The impleading of such necessary parties cannot be said to be erroneous. Further, the petitioners have not shown that they suffer any prejudice by the impleading order; all their rights and defences remain open to be canvassed before the trial Court at the appropriate stage. Therefore, this Court finds no ground to interfere with the impugned fair and decreetal order passed by the learned Sub Judge, Periyakulam in I.A.No.1 of 2021 made in O.S.No.113 of 2019 dated 04.10.2021.

7. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

18.07.2025

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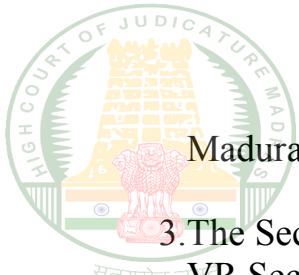
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TSG

To

1.The Sub Court, Periyakulam.

2.The Deputy Commissioner,
HR and CE (Administration) Department,



Madurai-2.

3. The Section Officer,

VR Section,

Madurai Bench of Madras High Court,
Madurai.

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M.DHANDAPANI, J.

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