



C.R.P.(MD)No. 1632 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1632 of 2021

and

C.M.P.(MD)No.8871 of 2022

1.P.Suruliyammal

2.P.Dhanalakshmi

3.P.Ponnambalam

4.P.Subramanian

5.Gunasekaran

...Petitioners

Vs.

1.S.Rathinam

S.Natarajan (died)

2.A.Ponnuthai

3.R.Ramalingam

4.R.Ramasamy

5.The Executive Engineer,
Tamilnadu Electricity Board,
Andipatti West Side,
Theni District.



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6.Subbulakshmi

7.N.Pushbam

8.N.Surulirajan

9.N.Suruliyammal

10.N.Pavitra

11.The President,

Vellanghchettiya Mahaajana Sangam,

Sri Parvathy Batrakaliyamman Kovil,

Mottanootthu,

Andipatti Taluk,

Theni District.

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 03.03.2021 made in I.A.No.48 of 2019 in A.S.No.10 of 2014, on the file of the Additional District and Session Court, Theni at Periyakulam.

For Petitioners : Mr.A.Arumugam

For Respondents 1 & 2 : Mr.C.Masilamani

For Respondents 3, 5 to 11 : No Appearance

Respondent No.4 : Died



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ORDER

This petition has been filed seeking to set aside the fair and decreetal order dated 03.03.2021 made in I.A.No.48 of 2019 in A.S.No.10 of 2014, on the file of the Additional District and Session Court, Theni at Periyakulam.

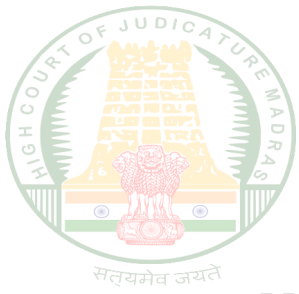
2.Learned Counsel for the petitioners would submit that the petitioners are the plaintiffs in the suit in O.S.No.207 of 2008 and the petitioners have filed a suit for declaration to declare the A & B schedule property belong to the plaintiffs and remove the encroachments made in the suit schedule property. The said suit was dismissed on 14.09.2013, against which the petitioners preferred an appeal before the Lower Appellate Court in A.S.No.10 of 2014, on the file of the District Court, Theni. During the pendency of the appeal, the fifth defendant namely Ramasamy died. However, initially, the said Ramasamy who was the President of Vellanghchettiyar Mahaajana Sangam, Sri Parvathy Batrakaliyamman Kovil, was impleaded as the fifth respondent in individual capacity. However, after the demise of the fifth respondent, the petitioner filed I.A.No.48 of 2019, for substituting the fifth defendant with the present President of Vellanghchettiyar Mahaajana Sangam, Sri Parvathy Batrakaliyamman Kovil, with a delay of 985 days. The delay petition was



dismissed. Challenging the same, the present Civil Revision Petition has been filed.

3.Learned Counsel for the petitioners would submit that admittedly, the fifth defendant was impleaded only in the capacity of President of Vellanghchettiyar Mahaajana Sangam, Sri Parvathy Batrakaliyamman Kovil. However, subsequent to the death of the fifth defendant, necessarily the present President has to be impleaded as a party. Thereby, the said application has been filed. The same was rejected by the trial Court which is not sustainable. Accordingly, prays for appropriate orders from this Court.

4.Learned Counsel for the petitioners would further submit that the Vellanghchettiyar Mahaajana Sangam, Sri Parvathy Batrakaliyamman Kovil was registered only in the year 2018, whereas the fifth defendant Ramasamy died on 25.01.2016. Only after the death of Ramasamy, the Vellanghchettiyar Mahaajana Sangam, Sri Parvathy Batrakaliyamman Kovil was registered. If the President is not impleaded as proposed fifth defendant in the appeal, irreparable loss would be caused to the petitioner. Hence, he prays for appropriate orders.



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5.Per contra, learned Counsel for the respondents would submit that the said Ramasamy was impleaded as President of Vellanghchettiyar Mahaajana Sangam, Sri Parvathy Batrakaliyamman Kovil in the year 2008 and subsequently, several Presidents were elected by the said Sangam. However, all those members were not impleaded. However, only after registration of the Sangam, the present President is sought to be registered, which is not necessary. Accordingly, prays for dismissal of this Civil Revision Petition.

6.Heard the learned Counsel on either side and perused the materials available on record.

7.Admittedly, the fifth defendant was impleaded in the capacity of President of Vellanghchettiyar Mahaajana Sangam, Sri Parvathy Batrakaliyamman Kovil. Though at the relevant point of time, several elections were conducted and new persons were elected, none of them were sought to be impleaded. Further, in the present petition to condone the delay in filing substitute petition, no name was mentioned, whereas it is simply mentioned as President of Vellanghchettiyar Mahaajana Sangam, Sri Parvathy Batrakaliyamman Kovil, which itself is not sustainable and the delay was also



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not properly explained. Hence, this Court does not find any error in the order passed by the trial Court and does not find any merit to entertain this Civil Revision Petition.

8. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. 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 and Session Court,
Theni,
Periyakulam.
- 2.The Executive Engineer,
Tamilnadu Electricity Board,
Andipatti West Side,
Theni District.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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