



C.R..P.(PD)(MD).No.2252 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.2252 of 2022

and

C.M.P(MD) No.10587 of 2022

Murugan
S/o. Ganapathi Konar,
President of Yadhavar Sangam,
Swammy Sannathi Street,
Sankarankovil Kaspas,
Sankarankovil.

... Petitioner/Petitioner/
Petitioner/Defendant

Vs.

1. A/M.Sankaranarayanawami Thirukovil,
Sankarankovil,
Represented by its
Administrative Officer.

... Respondent/Respondent/
Respondent/Plaintiff

2. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai.

... 2nd Respondent

(2nd Respondent is *suo motu*
impleaded vide order of this Court
dated 11.11.2022 made in C.R.P(MD)
No.2252 of 2022)



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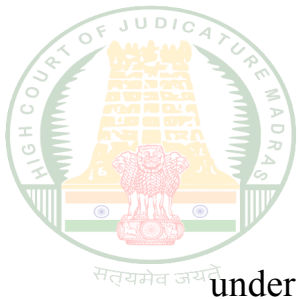
PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, as against the Fair and Decreetal order made in I.A.No.170 of 2018 in I.A.No.25 of 2018 in O.S.No.225 of 1998, dated 21.09.2022 on the file of the Additional District Munsif Court, Sankarankovil.

For Petitioner : Mr.M.Thirunavukkarasu
For R1 : Mr.V.R.Shanmuganathan
For R2 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

The defendant in O.S.No.225 of 1998 on the file of the Additional District Munsif Court, Sankarankovil, is the revision petitioner herein.

2. The first respondent herein had filed the above said suit for the relief of declaration of title, recovery of possession and permanent injunction not to put up any construction in the suit schedule property. The defendant having remained *ex-parte*, an exparte decree came to be passed on 16.04.2002. The defendant Yadhavar Sangam had filed I.A.No.25 of 2018 under Section 5 of Limitation Act, to condone the delay of 5762 days in filing an application



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under Order 9 Rule 13 of C.P.C. Pending the said application, the defendant Yadhavar Sangam had filed I.A.No.170 of 2018 for reception of additional affidavit. This application was dismissed by the trial Court. Challenging the same, the present Civil Revision Petition has been filed.

3. After the suit, the unregistered Yadhavar Sangam was registered as “Sankarankovil Vattara Yadhavar Samuthaya Abiviruthi Sangam” with a registration No.93 of 2004. Now the plaintiff temple and the registered Sangam with Registration No.93 of 2004 have entered into an agreement on 17.02.2025.

4. A perusal of the agreement reveals that the defendant registered Sangam has not only admitted the title of the temple over the land but also the superstructure. The Sangam as agreed to pay the rent to be fixed by the temple. In such circumstances, it is the submission of the learned counsel appearing on either side that no further adjudication may be required in the suit. Since the title of the temple over the land and superstructure have been admitted by the registered Sangam, namely, “Sankarankovil Vattara Yadhavar Samuthaya Abiviruthi Sangam”, no further adjudication is called for. The



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plaintiff Temple cannot enforce the *ex parte* decree for recovery of possession till the subsistence of this rental agreement or till any other cause of action arises.

5. With the above said observations, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

24.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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- To
1. The Additional District Munsif Court,
Sankarankovil.
 2. The Commissioner,
Hindu Religious and Charitable
Endowments Department,
Chennai.
 3. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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