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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 29-10-2026**

CORAM

**THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

**CRP Nos. 6812 and 6816 of 2026**

CNR:{HCMA012253632026}

**AND**

**CMP NOs. 29301 and 29309 OF 2026**

1. S.A.Nataraj,
   S/o. Arumugam,

2. M.K.Sakthivel
   S/o. Kandasamy

..Petitioner(s)

Vs

1. Arulmigu Alagunachiamman Temple
   Rep. by its Present Administrator/Trustee,
   K.Venkatachalam, S/o. Kandappa Gounder,
   D.No.4/280, Ellappalayam, Mallasamudram West
   Village, Tiruchengode Taluk,
   Namakkal District.

2. S.Sivaprakasam
   S/o. Sengottuvel,

3. Prema
   W/o. Jeganathan

4. Rajeswari
   W/o. Shanmugam

   P.Ramasamy (Died)

5. A.S.Arivazahan



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S/o. Shanmugam

6. State Represented by its
   District Collector,
   Namakkal.

7. Assistant Commissioner
   HR and CE, Namakkal,
   Anjaneyar Temple Street,
   Namakkal Taluk,
   Namakkal District.

8. Sundaram
   S/o. Late Ramasamy

9. Sathyamoorthy
   S/o. Late P.Ramasamy

10. Raja
    S/o. Late P.Ramasamy

11. Pushpa
    D/o. Late P.Ramasamy

..Respondent(s)

**CRP No. 6816 of 2026**

*CNR:{HCMA012253642026}*

1. S. A. Nataraj,
   S/o. Arumugam,

2. M.K.Sakthivel
   S/o. Kandasamy

..Petitioner (s)

Vs



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1. Arulmigu Alagunachiamman Temple
   Rep. by its Present Administrator/Trustee,
   K.Venkatachalam, S/o. Kandappa Gounder,
   D.No.4/280, Ellappalayam, Mallasamudram West
   Village, Tiruchengode Taluk,
   Namakkal District.

2. S.Sivaprakasam
   S/o. Sengottuvel,
   Salem Main Road,
   Bairoji, Bairoji Village and Post,
   Veerapandi via,
   Salem Taluk and District - 636 010.

3. Prema
   W/o. Jeganathan,

4. Rajeswari
   W/o. Shanmugam

5. P.Ramasamy
   S/o. Palaniappa Gounder

6. A.S.Arivazahan
   S/o. Shanmugam

7. State Represented by its
   District Collector,
   Namakkal.

8. Assistant Commissioner
   HR and CE, Namakkal,
   Anjaneyar Temple Street,
   Namakkal Taluk,
   Namakkal District.

..Respondent(s)

**CRP No. 6812 of 2026**



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Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the Fair and decretal dated 05.06.2026 made in IA No. 6 of 2026 in OS No. 146 of 2016 on the file of the District Munsif, Tiruchengode, by allowing this Civil Revision Petition

**CRP No. 6816 of 2026**

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the Fair and decretal dated 09.03.2026 made in IA No. 5 of 2026 in OS No. 146 of 2016 on the file of the District Munsif, Tiruchengode, by allowing this Civil Revision Petition

For Petitioner(s): Mr.R.Marudhachalamurthy

For Respondent(s): M/S. R.Nalliyappan for R1
Mrs.D.Chitra Maragatham
Government Advocate for R6 and R7

**Common Order**

These Civil Revision Petitions have been filed challenging the fair and decretal order passed in IA No.5 and 6 of 2026 in OS No.146 of 2016, wherein the application filed by the petitioners /defendants 1 and 2 seeking for rejection of plaint under Order VII Rule 11 of CPC and seeking for filing an additional written statement under Order VIII Rule 9 of CPC came to be dismissed by the Court below.

2. Heard both sides and also carefully perused the materials available on record as well as the order passed by the Court below.



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3. The 1st respondent is the plaintiff, who filed the suit in OS No.146 of 2016 seeking for the relief of declaration of title, recovery of possession and other consequential reliefs.

4. The suit had reached the stage of trial and was pending at the stage of cross examination of PW1. At that stage, the petitioners /defendants 1 and 2 filed IA No.5 of 2026 under Order VIII Rule 9 of CPC seeking permission to file an additional written statement. They also filed IA No.6 of 2026 under Order VII Rule 11 of CPC seeking to reject the plaint on the ground that there was absolutely no cause of action to sustain the suit.

5. The Court below after considering the rival contentions came to the conclusion that there are no merits in both these applications and accordingly, both the applications came to be dismissed. Aggrieved by the same, these Civil Revision Petitions have been filed before this Court.

6. Insofar as IA No.6 of 2026 is concerned, the application has been filed seeking for rejection of plaint on the ground that the plaintiff is merely relying upon an agreement dated 23.11.1982 and nothing more and is seeking for the relief of declaration of title on the basis of the same and therefore, according to the petitioners, there is no cause of action for maintaining the suit.



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7. The Court below on a reading of the averments made in the plaint, came to a conclusion that apart from relying upon the agreement, there are several other averments that have been made to substantiate the reliefs sought for in the suit. Therefore, the Court below held that the same can be considered only after a detailed trial and that the issues raised by the petitioners /defendants 1 and 2 cannot be dealt with in the application filed for rejection of the plaint.

8. In the considered view of this Court, the reasoning given by the Court below while dismissing the application for rejection of plaint does not suffer from any perversity warranting the interference of this Court.

9. Insofar as IA No.5 of 2026 is concerned, the application has been filed under Order VIII Rule 9 of CPC seeking permission to file an additional written statement in order to further bolster the averments that have already been made in the written statement and to place additional grounds to deny the claim made by the plaintiff. When this application was filed, the suit was at the stage of cross examination of PW1. There is no doubt that this application has been filed after a substantial delay of 10 years.


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10. It is also brought to the notice of this Court that the evidence on the side of the plaintiff has been completed and the suit is now at the stage of cross examination of witnesses on the side of the defendants.

11. On going through the additional written statement, it is seen that the averments made therein only further strengthen the stand already taken by the defendants in the original written statement. Therefore, this Court is of the view that the additional written statement can be taken on file. Ultimately, it is for the defendants to establish the stand that has been taken by them in the original written statement as well as in the additional written statement during the course of evidence. It is the appropriate time for doing so since the suit is now at the stage of cross examination of witnesses on the side of the defendants. In view of the same, this Court is inclined to interfere with the order passed by the Court below insofar as I.A.No.5 of 2026 is concerned.

12. In the light of the above discussion, the order passed by the Court below in IA No.6 of 2026 dated 05.06.2026 is sustained and consequently, CRP No.6812 of 2026 stands dismissed. The order passed in IA No.5 of 2026 dated 09.03.2026 is set-aside and consequently, the CRP No.6816 of 2026 stands allowed. The Court below is directed to complete the proceedings in OS No.146



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of 2016 on its own merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

**29-10-2026**

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RKA

To

The District Munsif, Tiruchengode,



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**N.ANAND VENKATESH J.**

**RKA**

**CRP Nos. 6812 and 6816 of 2026**

**29-10-2026**



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