



CRP(MD). No.1 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18.02.2026

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

C.R.P(MD). No.1 of 2023

and

C.M.P(MD) Nos.9 and 10 of 2023

1.T.Balakrishnan

2.P.Sathish Murugan

Petitioner(s)

Vs

1.P.Lingam

2.B.Rajamuthu

3.N.Lingam

4.I.Rajalingam

5.A.Suyambu

6.A.Balakrishnan

7.P.Chandra

...Respondents

PRAYER :-Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the award passed in O.S.No.304 of 2012 on the file of the Principal District Munsif Court, Valliyoor, dated 14.12.2019 by the Mega Lok Adalat, Valliyoor in Lok Adalat Case No.



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185 of 2019 by allowing this revision.

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For Petitioner : Mr.H.Arumugam
For R1 to R4 : Mr.V.Balasubramanian
For R5 to R7 : Mr.Pon Sundarapandian
Legal Aid Counsel

ORDER

This Civil Revision Petition has been filed challenging the award passed in O.S.No.304 of 2012 on the file of the Principal District Munsif Court, Valliyoor, dated 14.12.2019, by the Mega Lok Adalat, Valliyoor, in Lok Adalat Case No.185 of 2019.

2. The case of the revision petitioners is that the suit was filed among certain family members claiming a right to worship the deity, namely Arulmigu Perumal Swamy Temple at Chettikulam, Radhapuram Taluk, Tirunelveli District. According to the learned counsel for the revision petitioners, the suit was a collusive one between respondents 1 to 4 (plaintiffs) and respondents 5 to 7 (defendants), who entered into a compromise and obtained a decree before the Lok Adalat. It is contended that, by virtue of such decree, the revision petitioners' right to worship



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has been curtailed. Hence, leave was sought before this Court.

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3. The learned counsel for the revision petitioners would further submit that, if the suit had been filed under Order I Rule 8 CPC, it would have represented the rights of the entire community. However, the said suit was filed under Order VII Rule 1 CPC in the individual capacity. Therefore, the decree passed therein cannot bind other persons having similar rights, particularly when allegations of collusion are raised. It is further submitted that the revision petitioners, being members of the family entitled to worship the deity, cannot be restrained from exercising such right. Their right to worship can be independently agitated, and the decree in question cannot operate as a bar. To this extent, the revision petition deserves to be allowed.

4. The learned counsel for respondents 1 to 4 submitted that there is no legal impediment to institute a suit in the individual capacity and that the suit is maintainable.



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5. Mr.Pon Sundarapandian (Enrol. No.7896/2022), learned legal aid counsel appearing for respondents 5 to 7 submitted that the challenge to an award passed by the Lok Adalat can be made only under Articles 226 or 227 of the Constitution of India. However, in the present case, the core issue is whether the decree affects the rights of a third party, namely the revision petitioners, who allege that the suit itself was collusive. When such a contention is raised, the question of maintainability of the original proceedings assumes significance. At the same time, the issue relating to the maintainability of the present revision under Article 227 of the Constitution of India need not be gone into at this stage. The appropriate course for the revision petitioners is to work out their remedy by filing a separate suit. Accordingly, liberty may be granted to the revision petitioners to institute a separate suit on all available grounds.

6. The learned counsel for respondents 5 to 7 relied upon the judgment of the *Hon'ble Supreme Court in Sri Boyenepally Srijayavardhan vs. V. Nirupama Reddy and others, reported in 2025 SAR Online (SC) 1083*. The relevant portion is extracted hereunder:



8. Insofar as Defendant Nos. 2 to 7 are concerned, they had filed the O.S. No. 42 of 2014 and O.S. No. 43 of 2014 seeking relief of permanent injunction only. No relief of declaration was sought in the said suits. The declaration, under the compromise decree, was solely based upon the MoU entered into between the Defendant Nos. 2 to 7 and the Defendant No.1. Whether or not it was collusive or unlawful would be decided in the suit, subject to appropriate issues being framed and evidence led by the parties.

9. The Respondent No. 6, in her written statement originally filed in O.S. 42 and 43 of 2014, categorically denied the ownership and exclusive possession of Respondent Nos 1-5, and Defendant No.7 over the suit schedule properties. She asserted that the unregistered sale deeds dated 21.08.1970, 15.07.1970 and 10.11.1969 alleged to have been obtained by the Respondent Nos 1-5, and Defendant No.7 are forged and fabricated and further contended that they had merely acted in the capacity of supervisors. Despite such denial, Respondent No.6 subsequently entered into a compromise decree with Respondent Nos. 1-5 and Defendant No.7, thereby accepting their ownership over suit schedule properties for reasons best known to them.



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7. In view of the above, this Court holds that if the suit is alleged to be collusive and all necessary parties have not been impleaded, the proper remedy is to institute a separate suit. Since the decree was obtained before the Lok Adalat without impleading all persons having a right of worship, the same is not binding on the revision petitioners. Accordingly, the Civil Revision Petition is partly allowed, granting liberty to the revision petitioners to file a separate suit to agitate their rights. Consequently, connected Miscellaneous Petitions are closed. No costs.

8. This Court places on record its appreciation for the valuable assistance rendered by Mr.Ponsundarapandian (Enrol.No.7896/2022) Court-appointed Legal Aid Counsel for the respondents 5 to 7.

9. The learned Legal Aid Counsel submitted that despite the earlier order of this Court, dated 30.01.2026, he has not received remuneration from the Legal Services Committee.



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10. The Legal Services Authority concerned is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only), in total, towards remuneration to the Court-appointed Legal Aid Counsel within a period of two weeks from the date of receipt of a copy of this order.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

18.02.2026

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To

The Principal District Munsif Court,

Valliyoore.



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N.SENTHILKUMAR, J.

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