

IN THE III ADDITIONAL CITY CIVIL COURT AT CHENNAI

Present: Tmt. R.K.P.Tamilarasi, M.L.,
III Additional Sessions Judge

Monday, the 21st day of October, 2024

O.S.No.8378/2019(C.S.399 of 2013)

CNR.No.TNCH01-038289-2019

1. Mrs. Thilagavathi, D/o. Late Adhikesava Mudaliar, Hindu, aged about 59 years,
 2. Mrs. Jayalakshmi, D/o. Late Adhikesava Mudaliar, Hindu, aged about 57 years,
 3. Mr. A.Kothandaraman, S/o. Late Adhikesava Mudaliar, Hindu, aged about 54 years,
 4. Mrs. Anusuya, D/o. Late Adhikesava Mudaliar, Hindu, aged about 52 years,
 5. Mr.A.Ravi (Deceased), S/o. Late Adhikesava Mudaliar, Hindu, aged about 51 years,
 6. Mrs. Balathiripurasundari (Deceased), D/o. Late Adhikesava Mudaliar, Hindu, aged about 49 years,
(Amended the name of the 6th plaintiff as per order dated 29.09.2022 in I.A.No.5 of 2022)
 7. Mr. A.Srinivasan, S/o. Late Adhikesava Mudaliar, Hindu, aged about 48 years,
 8. Mrs. Saraswathy, D/o. Late Adhikesava Mudaliar, Hindu, aged about 45 years,
- 1 to 4 and 6 to 8 Plaintiffs are residing at Door No.21/45, Paripurana Vinayagar Koil Street, Mylapore, Chennai – 600 004.
9. Mrs. R.Pushparani, W/o. Late A.Ravi, Hindu aged about 54 years,

10. Mr. R.Manikandan, S/o. Late A.Ravi, Hindu aged about 23 years, 9 and 10 Plaintiffs are residing at Door No.21/45, Paripurana Vinayagar Koil Street, Mylapore, Chennai – 600 004.

(Implead and Amended the Lrs of the 5th plaintiff as per order dated 13.12.2022 in I.A.No.3 of 2021)

11. Mr. Shanmugam, W/o. Late Balathiripurasundari, Hindu, aged about 69 years,

12. Mr. Shankar, S/o. Late Balathiripurasundari, Hindu, aged about 40 years,

13. Mrs. Samundeeswari, D/o. Late Balathiripurasundari, Hindu, aged about 38 years,

14. Mr. Venkatraman, S/o. Late Balathiripurasundari, Hindu, aged about 37 years,

11 to 14 all are residing at door No.55 A, Big Street, Pulimangalam Village/Town, Arakonam Taluk, Ranipet District – 631 004.

(Implead the Lrs of the 6th plaintiff as per order dated 29.09.2022 in I.A.No.4 of 2022)

...Plaintiffs

/Vs/

1. Hindu Religious and Charitable Endowments Board, represented by its Commissioner, having office at Nungambakkam High Road, Nungambakkam, Chennai – 600 034.

2. Assistant Commissioner, Hindu Religious and Charitable Endowments Board, represented by its Commissioner, having office at Nungambakkam High Road, Nungambakkam, Chennai – 600 034.]

3. The Executive Officere, Arulmighu Mundakanni Amman Thirukkoil, having office at Mundakanni Amman Koil Street, Mylapore, Chennai – 600 004.

...Defendants

This suit was originally filed before the Hon'ble High Court, Madras in C.S.399 of 2013 and received by transfer to City Civil Court and renumbered as O.S.8378 of 2019 and made over to this court and is coming on this day for final disposal before me, the plaintiff and his counsel M/s. S.Sadasharam and V.S.Ravichandran Counsels for Plaintiffs/Proposed plaintiffs 9 and 10 having remained absent and of and of City Government Pleader for 1st and 2nd defendants, and of M/s. R. Mahalingam, M.Rajakumaresan and V.Govindaraj Counsels for the 3rd defendant and no representation having been made for the plaintiff and the plaintiff being called absent and this court delivers the following:-

JUDGMENT

This suit is filed under Order VII Rule 1 of CPC r/w Order IV Rule 1 of O.S.Rules for a) a declaration declaring that Sri Paripurana Vinayagar Koil situated in premises bearing No.21, Paripurana Vinayagar Koil Street, Mylapore, Chennai 600 004 is a Hindu private religious Institution and the provisions of the Tamil Nadu Hindu Charitable and Endowments Act are not applicable to the said temple; b) to declare that the plaintiffs, the legal heirs of late Adhikesava Mudaliar and Maragatha Sundari Ammal are entitled to

continue to occupy and enjoy the premises bearing No.21, Paripurana Vinayagar Koil Street, Mylapore, Chennai 600 004 namely the suit property more fully described in the schedule hereunder as per the terms of the Settlement deed dated 04.08.1967 bearing Document No.1187 of 1967 and Settlement deed dated 04.01.1068 bearing document No.3 of 1968 both registered on the file of the Sub Registrar, Mylapore in their capacity as Hereditary Trustees of the Sri Paripurana Vinayagar Koil, Mylapore, Chennai to the exclusion of the defendants herein or anyone claiming through them and to conduct the affairs of Sri Paripurana Vinayagar Koil at No.21, Paripurana Vinayagar Koil Street, Mylapore, Chennai 600 004 to the exclusion of the defendants as per the terms of the settlement deed dated 04.08.1967 bearing document No.1187 of 1967 and settlement deed dated 04.01.1068 bearing document No.3 of 1968 both registered on the file of the Sub Registrar, Mylapore, Chennai – 600 004 respectively

OR IN THE ALTERNATIVE

To declare the title of the plaintiffs namely the legal heirs of late Adhikesava Mudaliar and Maragatha Sundari Ammal by prescription and adverse possession of the suit property; c) for a consequential permanent injunction restraining the defendants, their men, agents, servants, subordinates or any one claiming through tem from interfering with the plaintiffs' peaceful possession, occupation and enjoyment of the suit property and performance

of poojas and functions of Sri Paripurana Vinayagar Koil, Mylapore, Chennai 600 004 and for cost of the suit

Plaintiffs called absent. No representation by the plaintiff counsel. Plaintiffs not ready for trial. There is no progress in this case. Hence, this suit is dismissed for default. No costs.

Pronounced by me in the open court, this the 21st day of October, 2024.

III Additional Judge.

DRAFT/FAIR

Judgment

in

O.S.No.8378 of 2019

Dated :21.10.2024

III Addl. Court