

**IN THE COURT OF THE I ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present: Thiru. R. Sundara Kamesh Marthandan, M.L.,

I Additional District Munsif, Nagercoil.

Thursday, on the 6th day of March 2025

I.A. No. 7 of 2025

in

O.S. No.120 of 2024

CNR.No. TNKK04-000244-2024

Kanyakumari Mavatta Hindu Semman

Samuthaya Trust represented by members

of the Trust

1. S. Prabu

2. C. Muthuswamy

... Petitioners/Plaintiffs

-vs-

1. M. Sureshbabu

2. K. Premkumar

3. P.A.K. Kumar

4. V. Aananathan

5. K. Sudalai

6. M. Jegadheesh

7. N. Rajamani

8. V. Shanmugavel

9. T. Karthikeyan

10. C. Mathukumar

11. The Branch Manager,

Canara Bank,
Meenakshipuram Branch,
Nagercoil, Kanyakumari District.

... Respondents/ Defendants

This Petition came before this Court today i.e on 06.03.2025 for final hearing in the presence of, Mr.T.K.S.Maniam, Advocate for Petitioners, Mr. S. Muthukaruppa Pilai, Advocate for the Respondent 1 to 7, 9, 10, Mrs. Sindhu, Advocate for 8th Respondent and Mr. P. Asokan, Advocate for 11th Respondent. Upon perusing the case records, this Court hereby delivers the following:

ORDER

1. The Petitioners had filed the above Petition under Rule 28(2) of Civil Rules of Practice and Section 151 Code of Civil Procedure seeking an order to advance the hearing from 20.03.2025 to near date.

2. The Petitioners have stated that they have challenged the election, conducted by the Respondents/Defendants and they have filed Interlocutory Application I.A. No.2 of 2024, I.A. No. 3 of 2024, I.A. No.4 of 2024 and I.A. No. 5 of 2024. The same are posted for filing for filing Written Statement and Counter. During the pendency of the suit and Interlocutory Applications, the Respondents by ignoring them, are trying to conduct Panguni Uthiram Festival. They are distributing pamphlets for the Hindu Semman Samuthaya Peoples. By producing forged documents, before the 11th Respondent Bank, they impleaded their names, in their Trust Bank Account and withdrew money, from the Bank. Hence those Interlocutory Applications have to be

heard, earlier, failing which, all the members of Hindu Semman Samuthaya People, will be put to irreparable loss and damages. Hence the above Petition.

3. The 7th Respondent had endorsed No Counter. The Respondents 1 to 7, 9 and 10, have filed counter, stating that their election is a valid one. The Plaintiffs' claim the said election is illegal, could be decided only After full-fledged Trial. The Defendants have submitted detailed Written Statement and adopted the same as counter for the Interlocutory Applications. Hence the suit is ripe for trial. The elected office bearers namely the Defendants are duty bound to conduct Panguni Uthiram festival and daily poojas. The Petition to advance hearing lacks bonafide and the same is liable to be dismissed.

4. The point for consideration is Whether the above Petition has to be allowed or not ?

5. The Petitioner had come before this Court, seeking to advance the hearing of the Interlocutory Application and suit, to an early date, stating that they have challenged the election of the Respondents and that during the pendency of the suit and Interlocutory Applications, the Respondents are issuing pamphlets, claiming to celebrate Pangani Uthiram festival. The Respondents have filed, counter stating that their election, is valid and they are duty bound to conduct those festival. In so far as the above Petition, is concerned, as stated by the Petitioners, their Interlocutory Applications are pending before this Court. The Respondents contentions that as they have filed Written Statement and the suit has ripened for trial and that deciding those Interlocutory Application is not necessary, is not acceptable to this Court. A party, in

order to safeguard his right and interest, during the pendency of the suit, files Interlocutory Application. Hence those applications have to be decided on its own merit, before it become infructuous. In such circumstances, this Court is of the considered view that the above Petition Could be allowed.

In the result, the above Petition is allowed i.e. the hearing in the suit as well as pending Interlocutory Applications in I.A. No. 2 of 2024, I.A. No. 3 of 2024, I.A. No. 4 of 2024 and I.A. No. 5 of 2024 are advanced to 13.03.2025. No cost.

Dictated to the Steno-Typist, transcribed and typed by her, corrected and pronounced by me, in Open Court this, the 6th day of March 2025.

I Additional District Munsif,
Nagercoil.

Petitioners' side witnesses and documents : Nil.

Respondents' side witnesses and documents : Nil.

I Additional District Munsif,
Nagercoil.

I ADM, Nagercoil
Draft/Fair Order
I.A.No. 7/2025 in
O.S.No.120/2024.
Date: 06.03.2025.