

In the Court of the Principal District Judge at Kancheepuram

Present: Tmt. Deepthi Arivunithi, M.L.,

Principal District Judge, Kancheepuram

Wednesday, the 8th day of April 2026

I.A.No.1/2024 in C.M.A .No.8/2018 and I.A.No.1/2024 in C.M.A.No.9/2018

I.A.No. 1/2024 in C.M.A .No.8/2018

Swami Karshni Anubhavanand,
S/o. Guru Saranand,
Madathipathi of Udasiv Babaji Mutt,
Old No.43 H/33,
Nellukara Street,
Big Kancheepuram.

.. Petitioner/proposed plaintiff

1. Udasin Bavaji Mutt,
Rep. By its Madathipathi
Sri. Mahanth Basanth Doss Bavaji

.. Respondent/Appellant

2. V.M. Sankaran

.. Respondent/Defendant.

I.A.No.1/2024 in C.M.A.No.9/2018

Swami Karshni Anubhavanand,
S/o. Guru Saranand,
Madathipathi of Udasiv Babaji Mutt,
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.. Respondent/Appellant

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These I.A.s are coming on 27.03.2026 for final hearing before me in the presence of M/s.M. Muruganantham ad K. Jayalakshman, Advocates for petitioner in both I.A.s and M/s. G. Ravikumar, Advocates for respondent and upon hearing the arguments on both sides and having stood over for consideration till this day, this court delivered the following

COMMON ORDER

Petitions filed under Order XXII Rule 10 CPC r/w s.151 CPC to substitute the name of the petitioner herein in the place of the deceased Mahant Basant Dass Babaji as the appellant in the Civil Miscellaneous Appeal as the Madathipathi of Udasin Bavaji Mutt and pass such other orders as may be deemed fit and proper.

2. The learned counsel for the petitioner/proposed plaintiff would contend as follows. The plaintiff Mutt was created for the purpose of doing Annathanam to poor and the Mutt is a spiritual place showing love to the poor and needy and the very basic of Hindu Religion. Before the appointment of the petitioner, his predecessor, a person who claimed to be Madathipathi and executed several lease deeds related to some properties and allowed to be encroached by land grabbers. The predecessor of the petitioner died on 01.10.2019 and after his death, the petitioner was appointed as a Madathipathi on 08.07.2022. After his

appointment, he was shocked to see the position of the mutt property and immediately appointed a counsel to proceed with the case. Therefore, it is necessary to substitute the petitioner/proposed plaintiff in the place of the earlier Madathipathi. Hence, that the petition be allowed. In order to support his contention, the learned counsel for the petitioner has produced the death certificate of the deceased and the translated copy of the proceedings appointing the petitioner/proposed plaintiff as Madathipathi of the Udasin Bavaji Mutt.

3. The learned counsel for the respondent/defendant would contend that the petitioner/proposed party is not a successor to the predecessor who died on 01.10.2019. It is stated that as per the Judgment of the Hon'ble Supreme Court of India reported in AIR 2000 SC 2610 which is entitled to make arrangements for the appointment of Mahant of Mutts. Accordingly, a congregations of Mahants and its members took place on 24.10.2019 at Ajam Sri Pataleshwar Temple in Gujarat and the above said Sri Mahant Swamy Devidass has been unanimously appointed as Madathipathy of Siva Kanchee Udasin Mutt. The said person is the Madathipathi of the respondent/appellant Mutt. A suit in O.S.No.81/2014 was filed against the Shiva Kanchee Udasin Mutt represented by its duly appointed Madathipathi Sri Mahant Basant Dass Bavaji, which is pending disposal before the Sub Court, Kancheepuram. As against the order passed in I.A.No.658/2015, the present Civil Miscellaneous Appeal is filed and

pending for disposal. By proceedings dated 24.10.2019 passed by Sri Mahant Swamy Devi dass has been directed to take immediate charge of the Mutt and its properties and to implead him as Madathipathi in all the pending cases continue proceedings. The said person has also filed Interlocutory application before the trial court which is pending consideration. Therefore, that the present petition has to be dismissed.

4. Based on the contentions of both sides, this court has carefully perused the materials on record. The present appeal is filed challenging an order passed by the trial court in the interim application in I.A. No. 658/2015 and I.A. No. 260/2014 in O.S. No. 81 of 2014. The present petition is filed to implead the subsequently appointed Madathipathi in the place of the predecessor. The learned counsel for the appellant would contend that in the place of the earlier Madathipathi Sri. Mahanth Basanth Doss Bavaji, the proposed party namely Swami Karshni Anubhavanand was appointed and the said person seeks to implead themselves in the present appeal.

5. The learned counsel for the respondent would point out that another person has been impleaded as the successor Madathipathi in the main suit. In view of the contention, this court has carefully perused the materials on record. On perusal, it is seen that as per order in I.A. No. 54 of 2020 dated 01.08.2023 by the trial court before whom the main O.S. No. 81 of 2014 is pending has

impleaded Sri Mahant Swamy Devidass as the newly appointed Madathipathi. While so, in the present appeal, another person by name Swami Karshni Anubhavanand seeks to be impleaded as a party. Reliance is placed on the decision of the Hon'ble High Court in CRP (NPD) No. 2686 of 2009 order dated 11.12.2024 and it is pointed out that in the said proceeding Swami Karshni Anubhavanand was impleaded as the successor. However, the said proceedings was in respect of an execution petition in respect of another suit in O.S. No. 21 of 1973.

6. In the present case, it is to be noted that Sri Mahant Swamy Devidass was recognized by the trial court in respect of the main suit in O.S. No. 81 of 2014 and they were impleaded as parties. While so, in the ancillary proceedings challenging the order passed in the interlocutory application, another new person cannot be permitted to be impleaded. Therefore, this court finds that the present petition seeking to implead the proposed party cannot be maintained before this court. In view of the above, this court finds that the present petitions have to be dismissed.

7. In result, the petitions are dismissed without costs.

Partlty dictated to the Stenographer/Shorthand writer, typed by her in computer and partly typed by me in my laptop, corrected and pronounced by me in open court, this the 8th day of April 2026.

Principal District Judge,
Principal District Court
Kancheepuram.

Exhibits and Witnesses on
both sides: NIL.

Principal District Judge,
Principal District Court
Kancheepuram.

Draft/Fair Common order in
I.A.1/2024 in C.M.A.8/2018&
I.A.1/2024 in C.M.A.9/2018
Principal District Court,
Kancheepuram
Date: 08.04.2026

