

IN THE COURT OF THE SUBORDINATE JUDGE, MELUR.

Present: Tmt. M. SAMUNDEESWARI PRABHA, M.A., M.L.,

Friday, the 5th day of June 2026

I.A.No.5/2025

in

O.S.No.172/2024

1. Joint Commissioner,

Hindu Religious and Charitable Endowments

Department.

2. State represented through the District Collector,

District Collector Office,

Madurai.

..... Petitioners/ 4th and 5th
defendants

// Vs //

1. R.Saravanamuthu

2. C.Palanichamy

3. C.Karunanithi

4. S.Ravichandran

5. P.Baskaran

6. V.Muthulingaprabhu

7. V.Subramani

..... 1st to 7th Respondents/ 1st to 7th
Plaintiffs

This petition coming up for final hearing before this court on 10.04.2026 in the presence of Advocate.Mr.K.Sabhpathi, Advocate for the petitioners and Advocate Mr.V.Nagendran, Advocate for the respondents and upon hearing the enquiry on both sides, on perusal of the records and having stood over for consideration till this day, this court delivers the following :-

Orders

This petition has been filed Under Order 9 Rule 7 and Section 151 of CPC pass an order to set aside the exparte order passed on 04.03.2025 for not filing the written statement.

1. Brief averments of the petition :-

The petitioner herein is the 5th defendant in the original suit. The 4th defendant is the District Collector. The original suit has been filed by the respondents seeking to declare the order appointing the trustees of the Arulmigu Aranmanai Karuppana Swamy Temple as QA.No.1/2021 as invalid in law and seeking other relief. The petitioners did not filed the written statement. Hence the set aside exparte order passed as against the petitioners on 04.03.2025. In that case, an appeal in the case O.A.No.1/2021 was filed with the Commissioner for filing a written

statement on his part. Therefore, the case file was sent to the Chennai Commissioner's office. Therefore, there was a delay in obtaining the details of the case O.A.No.1/2021. There was a delay in meeting the Government Prosecutor and giving the details of the case and preparing the written statement. Therefore, since his part did not file a written statement on our part in the original case within the due time, an set aside exparte order has been issued on 04.03.2025. The petitioners' prays pass an order to set aside the exparte order passed on 04.03.2025 for not filing the written statement. Hence this petition has to be allowed.

2. Brief averments of the counter affidavit filed by the 1st to 7th

Respondents/ 1st to 7th Plaintiffs :-

(I) The 3rd respondent herein is the 3rd plaintiff in the original suit. The 1st , 2nd 4th to 7th respondents are the relatives of the 3rd respondent. This counter affidavit filed by the 3rd respondent on himself and on behalf of the 1st , 2nd , 4th to 7th respondents. The respondent admitted averments hereunder, all the other averments are denied and the petitioner are put to strict proof of the same. The plaintiffs have filed and fixed the above original suit seeking a declaration that the order

passed by the above petitioner/5th defendant in the petition O.A.No. 1/2021 dated 23.02.2023 is invalid in law and does not bind these respondents/plaintiffs and that the property in dispute is a temple in common ownership of the above respondents/plaintiffs and the families of 1 to 3 respondents only. The petitioner did not file a written statement on his part in the original case within the due time, an set aside exparte order has been issued on 04.03.2025.

(ii) The above original suit was filed, in which the Additional Public Prosecutor appeared on behalf of the petitioner/5th defendant on 06.08.2024 and filed a Memo of Appearance. After that, after about 7 months of not filing a written statement and after a delay of 6 months since the issuance of the above set aside exparte order, i.e. more than 1 year, the above petitioner/5th defendant has filed this petition with the intention of delaying the proceedings. Further, the petitioner, who has stated that the appeal in the case of O.A. No.1/2021 was filed with the Commissioner, has filed this petition without explaining anything about the number of the said appeal, the current status of the said appeal, and how and when the case files related to the said O.A.No.1/2021 were

obtained (Sufficient cause) and it is not maintainable in law. Hence this petition has to be dismissed with costs.

3. The point for consideration aroused is that :-

Whether the petition has to be allowed or not ?

4. Point :-

4.1 Both sides heard. Records perused. This petition has been filed by the petitioners/5th and 6th defendants in the suit to set aside the exparte order passed on 04.03.2025 for not filing the written statement.

4.2 This petition has been filed along with the written statement of 5th and 6th defendants and the case has been posted for framing of issues. Hence in order to give an opportunity of being heard, this court inclines to allow this petition.

5. Result:-

In the result, this petition is allowed. No costs.

Dictated to the Steno Typist by me, and typed by her directly, corrected and pronounced by me in open court, this the 5th day of June 2026.

**Sub Judge,
Melur.**

Both sides of witness and documents : Nil

**Sub Judge,
Melur.**

**Draft/Fair Order
in
IA.No.5/2025
in
O.S.No.172/2024
Date : 05.06.2026
Sub Court,
Melur.**