

C.R.P.(MD)No.2371 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2371 of 2022

1.R.Andal

2.S.Kalavathy

M.Purushothaman (Died)

3.R.Rajaram (Died)

4.A.Shanmugam

5.P.Hariharan

6.R.Abinandhan

7.R.Ajathachathru

...Petitioners

(1st petitioner, who is already on record, is recorded as LR of the deceased 3rd Petitioner and 6th and 7th Petitioners are also brought on record as LRs of the deceased 3rd petitioner vide common order dated 03.12.2024 made in CMP(MD)Nos.17196 and 17197 of 2024 in CRP(MD)No.2371 of 2022, respectively by KGTJ)

Vs.

The Idol of Arulmighu Jambukeshwarar,

Represented by the Executive Officer /



C.R.P.(MD)No.2371 of 2022

Assistant Commissioner,

Srirangam,

Trichy.

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to call for all the records pertaining to the order of the Learned 1st Additional District Judge (PCR), Tiruchirappalli in its order dated 04.02.2022 in I.A.No.4 of 2021 in O.S.No. 267 of 2019, on the file of the Learned 1st Additional District Judge (PCR), Tiruchirappalli and set aside the same and allow the Civil Revision Petition.

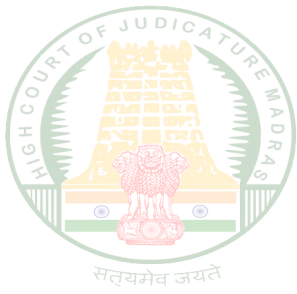
For Petitioners : Mr.R.Vigneshwaran

For Respondent : Mr.P.Thiagarajan

ORDER

This petition has been filed seeking to set aside the order of the Learned 1st Additional District Judge (PCR), Tiruchirappalli, in its order dated 04.02.2022 in I.A.No.4 of 2021 in O.S.No. 267 of 2019, on the file of the Learned 1st Additional District Judge (PCR), Tiruchirappalli.

2.Learned Counsel for the petitioners would submit that the petitioners are the defendants in O.S.No.267 of 2019. The respondent / plaintiff filed a suit for declaration, seeking the following prayers:



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“a) For a declaration that the plaintiff is the owner of the Item No.1 of the suit properties;

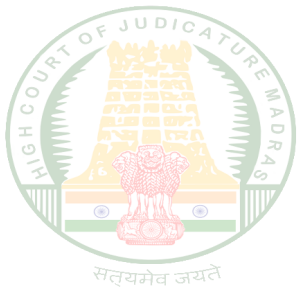
b) As a consequential relief for permanent injunction restraining the defendants 1 to 6, their men and servants and all persons claiming under them from interfering with the possession and enjoyment of the plaintiff in any manner whatsoever either by committing trespass or otherwise;

c) For declaration that the plaintiff is the owner of the Item No.2 of the suit properties;

d) As a consequential relief directing the defendants 1 to 6 to hand over and deliver possession of Item No.2 after removing the superstructures put up;

e) For permanent injunction restraining the defendants 1 to 6, their men, servants, agents and all persons claiming under them from putting up any further construction in Item No.2;

f) For declaration that the sale deed dated 25.05.2007, executed in favour of the defendants 1 to 3 and registered as document No.1209 of 2007 on the file of Sub Registrar's office, Srirangam as invalid, non-est and not binding on the plaintiff;



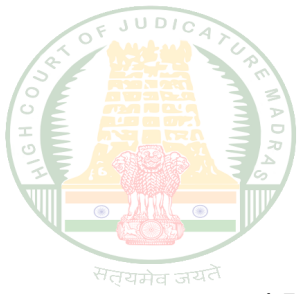
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g) For declaration that the sale deed dated 25.05.2007 executed in favour of defendants 1 to 3 and registered as Document No.1211/2007, on the file of Sub Registrar's office, Srirengam as invalid, non-est and not binding on the plaintiff;

h) Directing the defendants 1 to 6 to pay future mesne profits from date of plaint till delivery of possession in respect of item No.2;

(i) Directing the contesting defendants to pay the costs of suit and for other reliefs.”

3.In the said suit, the petitioners herein filed I.A.No.04 of 2021, under Order 7 Rule 11(a) & 11(d) of CPC for rejection of the plaint. As per Article 58 of the Limitation Act, 1963, the right to sue first accrues when the cause of action arises, not necessarily when full knowledge of the facts is obtained. Though the registration was made by the petitioners 1 to 3 in the year 2007, however, the respondent temple obtained certified copy of the sale deeds on 06.01.2009 and the limitation right to sue accrues from 2009 onwards and the same ends in the year 2012, whereas, till 2019, the respondent temple did not prefer to challenge the same and it is clearly hit by Article 58 of Limitation Act. However, the trial Court dismissed the said I.A. filed by the petitioners herein.



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4. In support of the contention, the petitioners relied upon the following decisions:

1.P.Narayanan Vs. P.Kumarakurubaran in C.R.P. [NPD]No.131 of 2018.

2.Canara Bank Vs. P.Sellathal (Dead) reported in 2020 (2) MLJ 591.

3.State of Punjab and others Vs. Gurudev Singh, Ashok Kumar reported in 1991 AIR 2219, 1991 SCR (3) 663.

4.Ramti Devi Vs. Union of India reported in 1995 SCC (1) 198.

5.Dahiben Vs. Arvinbhai Kalyanji Bhanusali reported in 2020 (7) SCC 366.

6.V.Sriramulu Vs. D.Prema in C.R.P.[PD]No.242 of 2021.

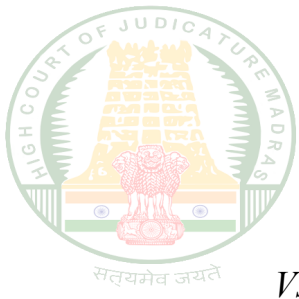
7.Calcutta landing and Shipping Co.Ltd., Vs. Manbasa Devi in C.R.M.P.No.1065 of 2021.

8.Jamila Begum (D) Thr.Lrs. Vs. Shami Mohd reported in (2019) 2 SCC 727.

9.Raghwendra Sharan Singh Vs. Ram Prasanna Singh (Dead) represented by LRs reported in 2020 (16) SCC 601.

10.V.Gowrishankar Vs. S.Balakumar reported in 2021 (2) CTC 829.

11.N.A.Chinnasamy Vs. S.Balakumar reported in 2013 (6) CTC 809.



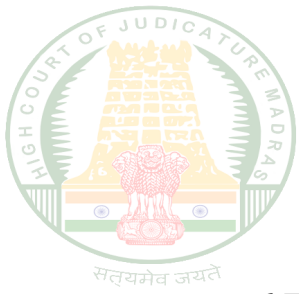
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12.Poppet Jamal and sons Rep. by its Managing Partner
Vs. N.M.Venkatachalapathy Alias Babulal reported in
CTC-2007-1-251.

5.Per contra, learned Counsel for the respondent / plaintiff would submit that admittedly, the respondent temple Arulmighu Jambukeshwarar, is the owner of the property. The petitioners created fraudulent documents in the year 2007 and as on date, the respondent / plaintiff is in possession of the property. They tried to interfere with the possession of the property and thereby they laid the suit before the 1st Additional District Judge (PCR), Tiruchirappalli, in O.S.No.267 of 2019. As per Section 115 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, limitation will not apply for recovery of properties of religious institutions and hence, the prayer itself is not to interfere with the possession and enjoyment of the plaintiff. Even before the trial Court, the petitioners were not able to prove the title owned by the original owner of the property as per the claim made by the petitioners herein and how the legal heirs of the original owner alienated the property in favour of the petitioners. Thereby, the trial Court dismissed the impugned I.A.No.4 of 2021, which need not be interfered with.

6.Heard the learned Counsel on either side.



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6.The facts in the present case are not in dispute. Admittedly, the respondent temple filed a suit in O.S.No.267 of 2019 and the petitioners herein filed I.A.No.4 of 2021, to reject the plaint, which came to be dismissed by the trial Court, on the ground that the limitation issue raised by the petitioners herein goes into the facts of the case and hence, since factual aspects are involved, rejection of plaint cannot be granted. All the issues raised herein are triable issues, which cannot be gone into by this Court under Article 227 of the Constitution of India. Hence, the order passed by the trial Court in the impugned I.A.No.4 of 2021, cannot be interfered with.

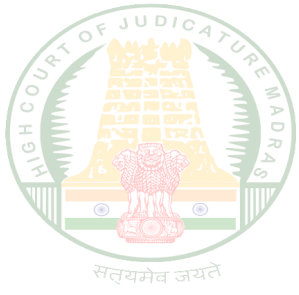
7.Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs.

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Internet:Yes/No

Index:Yes/No

MR



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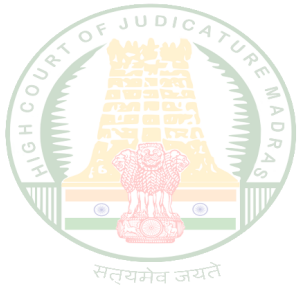
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To

1.The 1st Additional District Judge (PCR),
Tiruchirappalli.

2.The Idol of Arulmighu Jambukeshwarar
Represented by the Executive Officer/
Assistant Commissioner,
Srirangam, Trichy.

3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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