
(1905) 10 MAD CK 0005
In the Madras High Court

Chidambaram Chettiar and Others

APPELLANT

Vs

Sri Rangachariar and Others

RESPONDENT

Date of Decision : 30-10-1905

Acts Referred:

Citation : (1906) ILR (Mad) 106

Judgement

1. Their Lordships after disposing of the appeals on the merits proceeded as follows:

It remains to notice the objection taken to the joinder of the 7th plaintiff and of defendants 12 to 17 and 40. The footing on which these were

impleaded was as trustees by virtue of the agreement Exhibit B. Assuming the recitals in this document to be true, still the existing trustees of the

Vishnu temple had no power to add to their number as they purported to do. We, however, do not think it necessary to strike out the names of

these persons from the list of parties to the suit. The District Judge has found that these persons are interested in the institution as worshippers.

There is evidence to the effect that they have contributed materially towards the expenses which had to be incurred in connection with litigation

necessitated by the trespasses committed by the Sivites. The Kaumudi case is a direct authority that persons interested as worshippers in a public

religious institution such as the present Vishnu, temple may be added as parties to a suit instituted by a trustee on behalf of the institution against

third parties acting to the injury of the institution, if, in the opinion of the Court, such joinder is called for in the interests of the trust. Jeyangaruluvuru

v. Burma, Donsji 4 M.H.C.R. 2 is also authority to the same effect and the fact that in that case the defendant was himself a trustee does not affect

the principle. Though upholding the joinder of these on the footing that they are interested as worshippers, we direct that the decree be modified by substituting "the plaintiffs other than the "7th plaintiff" for "plaintiffs" in that part of the decree which orders possession of C2 to be given to them, and which awards them damages.