



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Thirteenth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.RAMATHILAGAM

CMP (MD) No.3890 of 2017

IN

AS No.548 of 2002

ARULMIGU DHANDAYUTHAPANISWAMY TEMPLE,
NETAJI ROAD, MADURAI THRO.ITS
EXECUTIVE OFFCER.

... PETITIONER/1ST RESPONDENT

Vs

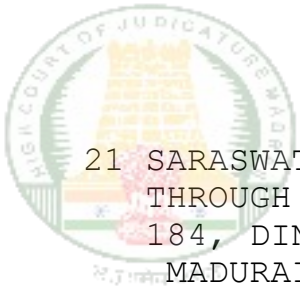
- 1 C. RAMALINGAM
- 2 R. RAMALAKSHMI AMMAL
- 3 V. SARASWATHI AMMAL
- 4 S. RAMALINGAM
- 5 S. SUNDARALINGAM
- 6 S. AMIRTHALINGAM
- 7 S. JAMBULINGAM
- 8 S. KANNALINGAM
- 9 S. MAHESWARI
- 10 S. PARAMESWARI
- 11 S. JEGAESWARI

...1TO 11 RESPONDENTS/
1 TO 11 PETITIONERS/APPELLANTS

- 12 C. PAPPATHY AMMAL
- 13 C. CHELLAPPA
- 14 KARUPPIAH
- 15 A.V. KARUPPIAH
- 16 T. MANI
- 17 D. NAGABAL AMMAL
- 18 MAHAVEER CUT PIECE CENTRE
THROUGH ITS PROPRIETOR,
HAVING ITS BUSINESS AT
183, DINDIGUL ROAD, MADURAI-1.

- 19 SRI DHANALAKSHMI ENTERPRISES
THROUGH ITS PROPRIETOR,
181, DINDIGUL ROAD, MADURAI-1.

- 20 TIRUPUR CUR PIECE CENTRE
THROUGH ITS PROPRIETOR,
183, DINDIGUL ROAD,
MADURAI-1.



21 SARASWATHI STORES
THROUGH ITS PROPRIETOR,
184, DINDIGUL ROAD,
MADURAI-01.

22 TES MEDICALS
THROUGH ITS PROPRIETOR,
184, DINDIGUL ROAD,
MADURAI-1.

23 M. SHENBAGAM
24 M. MUTHU RAJA
25 WEST MASI STREET
SRI MEENAKSHI SUNDARESWARAR UTSAVA,
SARAVAJANA SAHAYA TRUST,
THROUGH ITS TRUSTEE,
128, WEST MASI STREET, MADURAI-1.

26 P.K.P. MUTHUSADAYA PILLAI
27 C. RAJENDRAN
28 T.S.SITHI BASHEER BIBI
29 M/S. KHALIQ AUTOMOBILES
30 R. CHANDRA
31 R. RAMESH
32 R. VENKATESAN
33 T. GOVIND SINGH
34 SIDDHI FANCY STORES
181, NETHAJI ROAD, MADURAI-1.

35 S. PUSHPARAJ SAJI
36 A. LALITHA SAJI
37 V.A.M. KATHEJA FATHIMA
38 V.A.M. KHADER ABDUL KHADER
39 V.A.M. SIDDHI HABBA
40 V.A.M. AHMED BUHARI

... 12 TO 41 RESPONDENTS/
2 TO 30 RESPONDENTS/2 T 30 RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the Petitioner/Temple to withdraw the entire amount with acquired interest deposited by the 1 to 11th Respondents/Appellants in the above AS 548/2002.

PRAYER IN AS No.548 of 2002:

Appeal suit filed under section 96 of Civil Procedure code, praying to set aside the Judgment and Decree passed in O.s.No.534 of 1984 dated 31.07.2001 by principal Sub Court, Madurai and allow the first appeal.



ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.MANO HAR, Advocate for the petitioner and of MR.M/S.J.CAUVERY SANTHI, Advocate for R2 to R5 and of M/S.PT.S NARENDRAVASAN Advocate for R17 & R19 the court made the following order:-

This Miscellaneous Petition has been preferred by the petitioner/ the Executive Officer of the temple seeking permission to withdraw the entire amount with accrued interest that was deposited by the respondents/Appellants 1 to 11 in A.S.(MD)No.548 of 2002.

2.On perusal of records it is learn that already the suit in O.S.No.534 of 1984 was filed before the Principal Sub Court, Madurai and the said suit was decreed in the year 2001, against which, an appeal has been preferred by the respondents before this Court and the same was dismissed and confirmed by the Hon'ble Supreme Court of India.

3.Aggrieved by the same, the respondent, filed C.M.P.(MD) No.5142 of 2002 in A.S.(MD)No.548 of 2002 praying for an order of stay of the operation of the decree and stay was granted on condition to deposit a sum of Rs.2,000/- per month. Now, the petitioner, who is the Executive Officer of the Temple has filed a petition to withdraw the entire amount.

4..Mr.P.T.S.Narendravasan, the learned counsel for the respondents 17 & 19th is present.

5.It is represented by the learned counsel for the respondent No.17 & 19 that he has handed over the bundle and sought for adjournment.

6.This Court has perused the petition filed by the petitioner on satisfying with the averment, this Court is inclined to allow this petition. Accordingly, this petition is allowed. No costs.

sd/-
13/02/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

THE PRINCIPAL SUBORDINATE JUDGE, MADURAI

+1. C.C. to M/S.S.MANOHAR Advocate SR.No.2510

GJM/CM/VR/RNB/12.4.18-3P-3C

ORDER

IN

CMP (MD) No.3890 of 2017

IN

AS No.548 of 2002

Date :13/02/2018 (1/2)