



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.3891 of 2017

IN

AS No.549 of 2002

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

... PETITIONER/1ST RESPONDENT

Vs

- 1 T.S. SITHI BASHEER BIBI
- 2 V.A.M. KATHIJTHE FATHIMA
- 3 V.A.M. KHADER ABDUL KHADER

V.A.M. SIDDHI HABIBE(DIED)

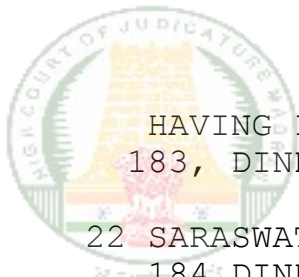
- 4 V.A.M. AHMED BHHARI
- 5 S.S.M. ABDUL KADER SAHIB
- 6 RAMEEZA
- 7 ABDUL KADER BASAYIR
- 8 AYESATH BASEEHA
- 9 RAHMATH ZIYADHA
- 10 ABDUL KADER WAJITH
- 11 SABEELA

...1 TO 11 RESPONDENTS/ 1 TO 3
AND 5 TO 12 APPELLANTS

- 12 C. RAMALINGAM
- 13 PAPPATHI AMMAL
- 14 CHELLPPA
- 15 KARUPPAIAH
- 16 A.V. KARUPAIAH
- 17 T. MANI
- 18 NAGABAL AMMAL
- 19 MAHAVIR CUT PIECE CENTRE
HAVING ITS BUSINESS AT,
180, NETHAJI ROAD,
MADURAI-1.
REP BY PROPRIETOR.

- 20 SRI DHANALAKSHMI ENTERPRISES
HAVING ITS BUSINESS AT 181, DINDIGUL ROAD,
MADURAI-1

- 21 TIRUPUR CUT PIECE CENTRE
REPRESENTED BY ITS PROPRIETOR,



HAVING ITS OFFICE AT
183, DINDIGUL ROAD, MADURAI-1.

22 SARASWATHI STORES
184, DINDIGUL ROAD, MADURAI-1,
REP BY ITS PROPRIETOR.

23 TES MEDICALS
HAVING ITS BUSINESS AT 184, DINDIGUL ROAD,
MADURAI-1
THRO. ITS PROPRIETOR.

24 SHENBAGAM
25 MUTHURAJA
26 SRI MEENAKSHI SUNDARESWARAR UTSAVA,
SARVAJANA SAHAYA TRUST,
THRO .ITS TRUSTEE,
128, MELA MASI VEETHI, MADURAI-1.

27 P.K.P. MUTHUSADAYA PILLAI
28 C. RAJENDRAN
29 M.S. KHALIQ AUTOMOBILES
30 R. CHANDRA
31 R. RAMESH
32 R. VENKATESAN
33 RAMALAKSHMI AMMAL
34 V. SARASWATHI AMMAL
35 T. GOVINDA SINGH
36 SIDDHI FANCY STORES
181, NETHAJI ROAD, MADURAI-1.

37 PUSHPARAJ SHAJI
38 A. LALITHA SHAJI
39 S. RAJALINGAM
40 S. SUNDARALINGAM
41 S. AMIRTHALINGAM
42 S. JAMBULINGAM
43 KANNA LINGAM
44 S. MAHESWARI
45 S. PARAMESWARI
46 S. JAGADEESWARI

...6 TO 46 RESPONDENTS/
12 TO 16 AND 18 TO 46 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 549/2002.

<https://hcservices.ecourts.gov.in/hcservices/> PRAYER IN AS No. 549 of 2002:

Memorandum of Regular Appeal against the Judgment and Decree in O.S.No.534/1984 dated 31.07.2001, on the file of the



Principal Sub Court, Madurai in decreeing the suit.

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. MANOHAR, Advocate for the petitioner and of M/S.P.T.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.549 of 2002.

2.On perusal of records, it is learnt that already the suit in O.S.(MD)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.5144 of 2002 in A.S.(MD)No.549 of 2002 praying for an order of stay of the operation of the decree and stay was granted on condition to deposit the amount of Rs.2,000/- per month. Hence, 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.2511

GJM/CM/VR/RNB/12.4.18-4P-3C

ORDER

IN

CMP (MD) No.3891 of 2017

IN

AS No.549 of 2002

Date :13/02/2018