

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

A.S.No.777 of 2008

Subramania Gounder
Defendant/Appellant

.. 1st

vs.

1.A.Gurusamy Gounder (Deceased) ... Plaintiff/Respondent

2.The Commissioner,
Hindu Religious and Charitable
Endowments,
Madras.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments,
Erode.

.. Defendants-2&3/R-1&R-3

4.M.G.Sadayappan
(R-4 brought on record as LR of deceased
R-1 vide order of Court dated 06.09.2011
made in M.P.No.1 of 2011) ... Plaintiff/Respondent-4

Prayer:Appeal under Section 96 of the Code of Civil Procedure,
1908, against the judgment and decree made in O.S.No.113 of 1991
on the file of the Subordinate Court, Gobichettipalayam dated
26.09.1996.

For first Defendant/
Appellant

: Ms.P.Veena Suresh for
Mr.T.R.Rajaraman

For Plaintiff/Respondent-1 : Died

For Defendants-2&3/
Respondents-2&3 : No Appearance

For Plaintiff/Respondent-4 : Mr.Kandhan Doraisami

J U D G M E N T

The First Appeal on hand is filed against the judgment and decree passed in O.S.No.113 of 1991. The original suit in O.S. No.113 of 1991 was filed by Mr.A.Gurusamy Gounder against the Commissioner, Hindu Religious and Charitable Endowments Department.

2. The suit was for a declaration regarding the hereditary trusteeship. The relief was attached to a person concerned. Now, it is brought to the notice of this Court that the appellant died on 31.01.2006 and the death certificate was issued in Form No.6 by the Executive Officer, P.Mettupalayam Special Grade Panchayat, Erode District, is produced by the learned counsel appearing on behalf of the fourth respondent.

3. In view of the fact that the appellant in the first appeal is no more, no further adjudication needs to be entertained in respect of the grounds raised in the present appeal as the cause aroused for filing of this appeal became vanished.

4. Accordingly, the First Appeal stands disposed of as abated. However, if the other legal heirs are chosen to restore the appeal, they can do so within a reasonable period of time. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Svn
To

The Sub-Judge,
Subordinate Court,
Gobichettipalayam.

+1cc to Mr.Kandhan Doraisami , Advocate SR.No. 100614
+1 cc to Spl Government Pleader(Hr&CE) Sr.No.101237

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A.SK(09/01/2020)