



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2020

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

S.A.No.944 of 2009

and

M.P.No.1 of 2009

Sivaramakrishnan

.. Appellant

Vs.

1.The Collector,
Cuddalore District,
Cuddalore.

2.The Tahsildar,
Cuddalore.

3.The Executive Officer,
Sri Arputha Vinayagar Temple,
Sellankuppam,
Cuddalore.

.. Respondents

PRAYER: Second Appeal is filed under Section 100 of C.P.C against the judgment and decree of the Principal Subordinate Judge, Cuddalore, dated 29.04.2009 passed in A.S.No.53 of 2008 confirming the judgment and decree of the Principal District Munsif, Cuddalore dated 31.07.2008 passed in O.S.No.243 of 2006.

For Appellant : Mr.R.Gunaraj

For Respondents : Mr.N.Manikandan, Spl G.P(CS)
for R1 and R2

: Mr.T.S.Baskaran for R3

J U D G M E N T

(The case has been heard through video conference)

Heard the learned counsel for the appellant and the learned Special Government Pleader (CS) for the respondents 1 and 2 and the learned counsel for the 3rd respondent.



2. It is reported that the sole appellant died long back. Earlier 3rd party filed a petition to implead himself as 2nd appellant in the second appeal, claiming to be the purchaser pending second appeal. The said petition in C.M.P.No.9377 of 2020 was dismissed. The appellant as the trustee of the temple property, had sold the property as if it is his property. Hence both the Courts below have negatived his claim.

3. The learned counsel appearing for the appellant seeks further time to get instructions from the legal representatives of the deceased appellant to pursue the appeal.

4. The appellant had died long ago after stealthily creating a sale deed to portrahit proceedings, this Court finds no reason justifiable to keep the matter pending any further, hence this Second Appeal is dismissed. Consequently, connected miscellaneous petition is also closed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpl
To

1.The Principal Subordinate Judge,
Cuddalore.

2.The Principal District Munsif,
Cuddalore.

3.The Collector,
Cuddalore District,
Cuddalore.

4.The Tahsildar,
Cuddalore.

5.The Executive Officer,
Sri Arputha Vinayagar Temple,
Sellankuppam,Cuddalore.

+1cc to Mr.T.S.Baskaran, Advocate SR.36197
+1cc to the Government Pleader SR.36427

S.A.No.944 of 2009
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SS(CO)
CB(15/03/2021)