



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Fourth day of November Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice M.GOVINDARAJ

AS (MD) . No.15 of 2012

&

AS (MD) No.58 of 2012

AS (MD) . No.15 of 2012

ARULMIGU THANDAYUTHAPANI SWAMI
THIRUKOVIL THROUGH ITS JOINT ,
COMMISSIONER / EXECUTIVE OFFICER
PALANI

... Appellant/2nd defendant

Vs

- 1 S. MUTHUKUMAR
S/O. SUBRAMANIAN, 37/6-C, SHANMUGA COLONY,,
RAMAKRISHNA ROAD, SALEM TOWN, SALEM DISTRICT..
- 2 S. RAVIKUMAR
S/O. SUBRAMANIAN, 37/6-C, SHANMUGA COLONY,,
RAMAKRISHNA ROAD, SALEM TOWN,
SALEM DISTRICT ... 1st & 2nd Respondent / Plaintiffs
- 3 M/S. ROPEWAY RESORTS (P) LTD.
THROUGH ITS MANAGING DIRECTOR A.K. CHINDHRA,,
NO. 8, MULLAN STREET, KOLKATTA 700 020..
- 4 M/S.NATIONAL INSURANCE COMPA
NY, LIMITED, THROUGH ITS DIVISIONAL MANAGER,,
VIGNESWARA BUILDING, NEAR OVER BRIDGE,,
PUDUKOTTAI ROAD,
TRICHY 620 020 ... 3rd & 4th Respondents / 3rd & 4th
Defendants
- 5 HINDU RELIGIOUS & CHARITABLE
ENDOWMENT BOARD, THROUGH ITS COMMISSIONER,,
119, MAHATMA GANDHI ROAD, NUNGAMBAKKAM,,
CHENNA 600 034.. ... 5th Respondents / 1st Defendant



AS (MD) No.58/2012

NATIONAL INSURNACE COMPANY
LTD BY ITS DIVISIONAL MANAGER VIGNESWARA ,
BUILDING NEAR OVER BRIDGE 7 PUDUKKOTTAI ,
ROAD TRICHY-620 020 ... Appellant / 4th Defendant

Vs

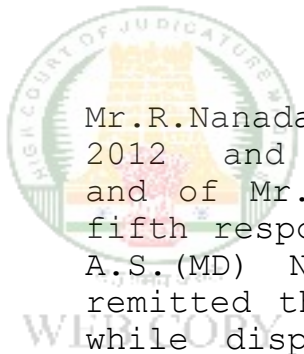
- 1 S.MUTHUKUMAR
S/O.(LATE)SUBRAMANIAN, D.NO.37/6C, SHANMUGA,
COLONY, RAMKRISHNA ROAD, SALEM TOWN..
- 2 S.RAVIKUMAR
S/O.(LATE)SUBRAMANIAN, D.NO.37/6C, SHANMUGA,
COLONY, RAMKRISHNA ROAD,
SALEM TOWN .. 1st& 2nd Respondent / Plaintiffs
- 3 THE HINDU RELIGIOUS CHARITABLE
ENDOWMENT DEPARTMENT, BY ITS,
COMMISSIONER, 119, MAHATMA GANDHI ROAD,,
NUNGAMBAKKAM, CHENNAI-600 034.. 3rd Respondent / 1st Defendant
- 4 ARULMIGU DHANDAYUTHAPANI SWA
MI, THIRUKOIL, BY ITS JOINT,
COMMISSIONER/EXECUTIVE OFFICER,
PALANI - 624 601 4th Respondent / 2nd Defendant
- 5 M/S.ROPEWAY RESORTS PVT.LTD.,
THROUGH ITS MANAGING DIRECTOR MR.A.K.,
KINDHARA, NO.8,MULLEN ST.,
KOLKATA-700 020 5th Respondents / 3rd Defendant

Prayer:-

Appeal Suits are filed under Section 96 of the code of the Civil Procedure against the judgment and decree dated 22.09.2011 made by the Additional District Judge, Fast Track Court, Dindigul in O.S. No.109 of 2008.

DECREE:-

These Appeal Suits are coming on for hearing on this date, upon perusing the grounds of Appeal, the judgment and decree of the Court of First Instance and the material papers in the Suit and upon hearing the arguments of MR.K.SEKAR, Advocate for the Appellant in A.S.(MD) No.15 of 2012 and fourth respondent in A.S. (MD) No.58 of 2012 and of MR.S.SRINIVASA RAGHAVAN, Advocate for the fourth respondent in A.S.(MD) No.15 of 2012 and Advocate for Appellant in A.S.(MD) No.58 of 2012, and M/s.Vijayakumari Natarajan, Advocate for first and second respondent in both the Appeal Suits and



Mr.R.Nanadakumar, Advocate for third respondent in A.S.(MD) No.15 of 2012 and Advocate for fifth respondent in A.S.(MD) No.58 of 2012 and of Mr.J.Gunaseelan Muthiah, Additional Government Pleader for fifth respondent in A.S.(MD) No.15 of 2012, and third respondent in A.S.(MD) No.58 of 2012 that the Insurance Company has already remitted the appropriate amount to the respective suit, this Court while disposing off the Appeal Suit, doth order and decree as follows:-

- 1) That the Judgement and Decree, dated 22.09.2011 made by the Additional District Judge, Fast Track Court, Dindigul, in O.S. No.109 of 2008, be and is hereby confirmed.
- 2) That the Insurance company be and hereby is directed to deposit interest at the rate of 9 % p.a. from the date of Suit till 02.07.2012, i.e. The date on which they deposited their share of compensation before trial court, within a period of four weeks from the date of receipt of the Judgment.
- 3) That three months time is granted to the Temple for depositing the share amount of compensation to be deposited by M/s.Ropeway Resorts Pvt Ltd., along with accrued interest @ 9% p.a. from the date of receipt of a copy of the judgment.
- 4) That the temple is entitled to recover the amount paid by them from the M/s.Ropeway Resorts Pvt Ltd.,
- 5) That there be no costs in these Appeals.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

The Additional District Judge,
Fast Track Court, Dindigul

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+2 cc to M/s.S.Srinivasa Raghavan, Advocate in SR No.22801 & 22797

+1 cc to M/s.Vijayakumari Natarajan, Advocate in SR No.27787



WEB COPY

AS(MD). No.15 of 2012

ORDER DATED : 24/11/2020

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DECREE

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AS (MD) . No.15 of 2012
& AS (MD) No.58 of 2012

Nature of Decree:-
Disposing the Appeal Suits
preferred
against the judgment and
decree of the Additional
District Judge, Fast Track
Court, Dindigul in O.S.
No.109 of 2008 etc., as
stated within.

KMK (CO)
TR (09.06.2021) 4P 7C