

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND TWENTY ONE

PRESENT:-

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

S.A.NO.438 OF 2000

1.Sreeranga Gounder
2.Selvakumar
3.Umapathi Sekar
4.Murugan Mohan Kumar

... Appellants/
Appellants/Plaintiffs 2 to 5

..Vs..

1. Palani Dhandayutha Subramaniaswami Temple,
Palani, Rep by The Deputy Commissioner
HR & CE and Executive Officer,
Palani, Anna District.

... Respondent/Respondent/
Defendant

Prayer:-

Appeal against the judgment and decree of the II Additional District Judge, Erode, dated 10.08.1999 in A.S.No.15 of 1995 preferred against the Decree of the Court of the Subordinate Judge, Dharapuram dated 14.09.1994 in Original Suit No.89 of 1994.

DECREE:-

This Second Appeal coming on for hearing on Tuesday, the Twenty Third day of March, 2021 upon perusing the Grounds of Appeal, the Judgment and Decrees of the Lower Appellate Court and the Court of First instance and the material papers in the suit and upon hearing the arguments of Ms.J.Ananda Valli, Advocate for the Appellants 2 to 4, wherein the 1st Appellant having reported reported dead and steps having been taken vide memo dated 17.03.2021 made in SA.No.438 of 2020 requesting its Court to record legal heirs of the deceased 1st Appellant, and this Court while ordering the said memo on 23.03.2021 and recorded the Appellants 2 to 4 are the legal heirs of 1st Appellant, and of Mr.M.Sriram, Advocate for the the Respondent, and this Court having stood over consideration till this date, doth order and decree as follows:-

1. That the Judgment and Decree passed in AS.No.15 of 1995, dated 10.08.1999 on the file of the II-nd Additional District Judge, Erode by confirming the judgment and decree made in O.S.No.189 of 1994 dated 14.09.1994 on the file of Subordinate Judge, Dharmapuri be and hereby are confirmed and this Second Appeal is dismissed;

2. That the Commissioner and Secretary of the HR & CE Department be and hereby are directed to give suitable instructions to the Respondent/Defendant/Executive officer to take possession as per the decree within a period of four weeks after the expiry of the four weeks time granted to the Appellants/Plaintiffs to hand over the possession;

3. In case of default, that the Commissioner shall supervise that the decree is executed at the earliest;

4. That there be no costs in this Second Appeal.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The II Additional District Judge,
Erode.
2. The Subordinate Judge,
Dharapuram.

Copy To

1. The Commissioner and Secretary of HR & CE Department,
Secretariat, Chennai-9.
2. The Section Officer,
VR Section, High Court,
Madras-104.

+2cc to Mr.M.Sriram, Advocate, Sr.No.29154, 29155

Order Dated :- 23.06.2021

DECREE:-

S.A.No.438 of 2000

 Dismissing the Second Appeal preferred against the Judgment and Decree of the Court of the II Additional District Judge, Erode dated 10.08.1999 made in A.S.No.15 of 1994 confirming the judgment and decree of the Court of the Subordinate Judge, Dharapuram, dated 14.09.1994 made in O.S.No.89 of 1994 etc., as stated therein.

GPL(CO)
CS/20/09/2021