

IN THE HIGH COURT OF JUDICATURE AT MADRAS

FRIDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY ONE

PRESENT :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A.NOS.3438 OF 2012

Arulmighu Sulaikal Mariamman
Temple, Bisil Karuvalur Mariamman and Mahaliamman Temples
Rep.by its Trustees

1.S.Palanisamy

2.S.M.Palanisamy ...Appellants / Appellants / Plaintiffs

vs

1.Thangaraj @ Marannan

2.Kariammal

3.Velusamy

4.Sarojini

5.President,
Karapadi Panchayat Board,
Karapadi Village and Cusba,
Sathyamangalam Taluk,Erode District.

...Respondent 1 to 5 / Respondent 1 to 5 /
Defendant 1 to 5

Civil Miscellaneous Appeal filed under Order 43 Rule 1(u)
of Civil Procedure Code, against the judgment and decree made in
A.S.No.40 of 2011 on the file of the Subordinate Judge,
Sathyamangalam dated 06.09.2012 preferred against the judgment
and decree of the District Munsif Court, Sathyamangalam in
O.S.No.34 of 2009 dated 08.09.2011.

Decree : This Civil Miscellaneous Appeal coming on for hearing on this day, and upon perusing the grounds of appeal, the Judgement and Decree of the Trial Court and the Court of first instance and the material papers in the case and upon hearing the arguments of Mr.R.T.Doraisamy, Counsel for the appellants and Mr.S.Parthasarathy, Counsel for the second and fourth respondents, and the steps not having been taken to serve the notice to the respondents no.1,3 and 5 and this court, while allowing the appeal, doth order and decree as follows :

1. That the Judgment and decree dated 06.09.2012 passed in A.S.No.40 of 2011 be and hereby is set aside and the matter is remanded back to the Sub Court, Sathyamangalam for reconsideration and decide the appeal suit on merits and in accordance with law by affording opportunity to all the parties concerned; and
2. That the Sub Judge, Sathyamangalam do restore the appeal suit to the original number in the register and proceed to dispose of the case in the light of the observation and directions contained in the judgment herein.
3. That the Sub Judge, Sathyamangalam, do dispose the appeal suit as expeditiously as possible preferably within a period of six months from the date of receipt of copies of the order; and
4. That there be no costs in the Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

ssb

To

1. The Subordinate Judge,
Sathyamangalam.
2. The District Munsif Court,
Sathyamangalam.

Copy To

The Section Officer,
V.R.Section,
High Court, Madras.(2 copies)

+1cc to Mr.S.Parthasarathy, Advocate SR.No.2037

DATED : 18.01.2021

DECREE

CMA NO.3438 OF 2012

Allowing the Civil Miscellaneous Appeal preferred against the Judgment and decree in A.S.No.40 of 2011 dated 06.09.2012 on the file of the Subordinate Judge, Sathyamangalam preferred against the Judgment and Decree of O.S.No.34 of 2009 dated 08.09.2011 on the file of the District Munsif Court, Sathyamangalam, etc., as stated therein.

PPA(CO)
RVM(01/10/2021)