



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.Nos.2899 & 2900 of 2017 &
CMP.No.17031 of 2017

R.Balakrishnan

... Appellant in both CMAs

Vs

1.Sri Prasanna Venkata Narasimha Perumal Koil
Representated by its Trustee,
Perumal Koil Street,
Saidapet,
Chennai - 600 015.

2.S.Manohar Chettiyar

3.A.Madhanagopal Chettiyar

4.D.Rajasekaran Chettiyar

5.K.R.Prabhakar Chettiyar

6.A.R.Thiruvengadam Chettiyar (Deceased)

... Respondents in both CMAs

COMMON PRAYER: Civil Miscellaneous Appeals filed under order XLIII Rule 1 of Code of Civil Procedure against the fair and decreetal order dated 13.07.2017 in I.A.Nos.2561 & 2562 of 2017 in O.S.No.928 of 2017 on the file of the XVII Additional City Civil Court, Chennai.

For Appellant in both CMAs. : Mr.S.Rajendra Kumar

For Respondents in both CMAs. : No appearance

COMMON JUDGMENT

These Civil Miscellaneous Appeals have been filed by the Appellant challenging the order dated 13.07.2017 passed by the XVII Additional City Civil Court, Chennai in I.A.Nos.2561 & 2562 of 2017 in O.S.No.928 of 2017.



2. Learned counsel for the Appellant on instructions would submit that subsequent to the filing of these civil miscellaneous appeals, by order dated 22.07.2021 in A.Nos.3005 & 3006 of 2020 in C.S.No.358 of 2020, this Court had appointed Mr.P.B.Ramanujam as Administrator for the subject trust which is the subject matter of these appeals.

3. I.A.No.2561 of 2017 in O.S.No.928 of 2017 was filed by the Appellant seeking for grant of an order of interim injunction restraining the defendants 2 to 6 from acting as trustees in the subject trust. I.A.No.2562 of 2017 in O.S.No.928 of 2017 was filed by the Appellant seeking for appointment of the receiver to conduct election for the subject trust. By order dated 13.07.2021, I.A.Nos.2561 & 2561 of 2017 have been dismissed by the trial court. Aggrieved by the dismissal of these applications, the present appeals have been filed.

4. In view of the fact that subsequent to the filing of these appeals, an Administrator has been appointed pursuant to the orders passed by this Court in Application Nos.3005 & 3006 of 2020 in C.S.No.348 of 2020, nothing survives for adjudication in these appeal as the reliefs sought for by the Appellant before the trial court have been achieved by the subsequent development namely passing of the order dated 22.07.2021 by this Court in Application Nos.3005 & 3006 of 2020 in C.S.No.358 of 2020.

5. After recording the aforementioned facts, these civil miscellaneous appeals are dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

The Judge,
The XVII Additional City Civil Court,
Chennai.

C.M.A.Nos.2899 & 2900 of 2017

JP-II(CO)
SB(13/10/2021)