



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEB COPY

WEDNESDAY, THE 2ND DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE N.SESHASAYEE

A.Nos.5432, 5433 & 5434 of 2019

in

C.S.No.68 of 1995

C.S. No.68 of 1995

1. T.Durai Babu

S/o.Thiruvenkadam Chettiar,

26, Veerabadran Street,

Mylapore, Madras – 600 004.

2. V.Ganapathy,

S/o.Varadarajulu Chettiar,

91, South Mada Street,

Villivakkam, Madras – 600 049.

... Plaintiffs

-Versus-

1. Sri Sundara Vinayagar

Sri Selva Vinayagar and Sri Anjaneyar

Devasthanams, Rep., by its

Managing Trustee P.B.Munusamy

Office at 87, Royapettah High Road,

Mylapore, Madras – 600 004.

2. Selivahana Vamsa Munnetra Sangam

Rep. by its President C.Pantalu Chettiar



Office at No.89, Royapettah High Road,
Mylapore, Madras 600 004.

3. P.S.Munuswamy

S/o.Sundaram Chettiar,

Office at No.87, Royapettah High Road,
Mylapore, Madras 600 004.

4. N.Bhupathy

S/o.Nataraja Chettiar,

27, Veera Perumal Mudali Street,
Mylapore, Madras 600 004.

5. K.Ganesan

S/o.Kuppiah Chettiar,

2, Veerabadran Street,
Mylapore, Madras 600 004.

6. U.Purushothaman

S/o.Umapathy Chettiar,

87/1, Veera Perumal Mudali Street,
Mylapore, Madras 600 004.

7. K.Srinivasalu

S/o.Kanniah Chettiar,

Veera Vanchinathan Street,
Perambur, Madras-600 011.

8. C.Pantalu Chetty

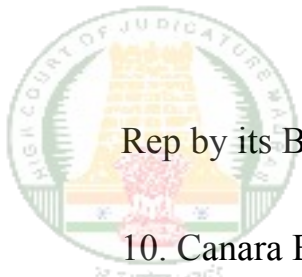
S/o.M.E. Chinnappa Chettiar,

160, Royapettah High Road,
Mylapore, Madras-600 004.

9. Bank of Madura Limited

200/1, Royapettah High Road,

Mylapore, Madras-600 004.



Rep by its Branch Manager,

10. Canara Bank, Mylapore Branch
No.129, Royapettah High Road,
Mylapore, Madras-600 004.

... Defendants

Rep by its Branch Manager,

A.No.5432, 5433 & 5434 of 2019:

S.Prakash,
Chariman Trustee,
Sri Sundara Vinayagar,
Sri Selva Vinayaga,
Sri Anjaneyar Devasthanam,
No.87, Royapettah High Road,
Mylapore, Chennai-600 004.

..Applicant/Managing Trustee

A.Nos.5432, 5433 & 5434 of 2019

-VS-

1. Sri Sundara Vinayagar,
Sri Selva Vinayaga
Sri Anjaneyar Devasthanam
Rep.by its Managing Trustee
No.87 Royapettah High Road,
Mylapore, Chennai - 600 004

2. B.Balaji
S/o.Balaraman
No.3/7, Veeraperumal Koil Street,
Mylapore, Chennai- 600 004.

3. U.Shankar
S/o.Umapathy
No.36/92, Veeraperumal Koil Street,
Mylapore, Chennai - 600 004.



4. S.Jayakumar

S/o.K.Sreenivasan

No.32/2, Vanchinathan 1st Street,
Perambur, Chennai-600 011.

5. P.Ramesh

S/o.M.G.Pasupathi

No.26/69, Veeraperumal Koil Street,
Mylapore, Chennai - 600 004.

6. P.S.Srinivasan (*)

**No.2/34, Veerabadran Street,
Mylapore, Chennai-600 004**

**..6th Respondent -suo-motu (*)
impleaded as per order dated
6/11/2019 in O.A.727 of 2019
and A.No.5432 to 5434 of
2019 and A.Nos.7667 of 2019
and A.No.7944 of 2019 in
C.S.No.68 of 1995)**

..Respondents in
A.Nos.5432, 5433 & 5434 of 2019

A.No.5432 of 2019:

Application praying that this Hon'ble Court be pleased to appoint an interim administrator or in the alternative a Receiver for administering the affairs of the first respondent temple, and its properties, pending disposal of the above suit.

A.No.5433 of 2019:

Application praying that this Hon'ble Court be pleased to declare that the



resolution passed on 23/04/2017 by the respondents 2 to 4 removing the applicant from the post of Chairman of the Board of Trustees of Sri Sundara Vinayagar Temple, Sri Selva Vinayagar Temple and Sri Anjaneya Devasthanam is ex-facie illegal, null and void and not binding on the applicant.

A.No.5434 of 2019:

Application praying that this Hon'ble Court be pleased to appoint an Advocate Commissioner to verify the accounts for the purpose of appointing an auditor to audit the accounts and to file a report before this Court.

These Applications coming on this day before this court for hearing, the court made the following order:-

Mr.M. Murali, learned counsel for the applicant in Application Nos. 5432 & 5433 of 2019 says that he is still awaiting written confirmation of whatsapp message he has received from his client.

2. An adjournment has already been granted on the same statement on an earlier occasion on 10.01.2022. If after 20 days, the same state of affairs continue, it is obvious that the applicant in these applications is not interested and he stands by the whatsapp message. Learned counsel confirms that he has received whatsapp

messages from the cell phone number belonging to the applicant. When service of



notice can be accommodated through whatsapp, then the instructions received through whatsapp from the client to the counsel from party's cell number must be

considered as enough instruction by the client. Therefore, this Court is not interested in keeping these applications alive. Learned counsel, if he is so concerned, is required to preserve the electronic information he has received from his client. Hence, application Nos. 5432 & 5433 of 2019 are dismissed as not pressed and O.A. No. 727 of 2019 is closed as infructuous.

3. So far as Application No. 5434 of 2019 is concerned, this Court has already appointed Commissioners and their reports too have been received. Therefore, this application is not closed for the present.

4. Post on 15.02.2022.

Sd/-NSSJ
02.02.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

EVK 11/02/2022