



A.S(MD)No.4 of 2009

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

A.S(MD)No.4 of 2009

and

M.P.(MD) No.1 of 2009

Nagar Nagar Sourashtra Sabha
Dindigul,
Rep. by its Secretary K.D.E.Sethuram,
S/o.K.S.Eswara Iyer, Muniappa
Kovil Street,
Nagar Nagar,
Dindigul,
and through subsequent Secretaries.

...Appellant

Vs.

- 1.The Commissioner
Hindu Religious and Charitable Endowment Department,
Nungambakkam,
Chennai-34.
- 2.The Joint Commissioner
Hindu Religious and Charitable Endowment Department,
West Chithirai Street,
Madurai-1.
- 3.K.N.R.Kuppusamy
- 4.K.Easwaramoorthy (Died)



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5.K.Ganesan

6.K.Seenivasan

7.The Assistant Commissioner
Hindu Religious and Charitable Endowment Department,
Vinayaga Nagar,
Madurai-20.

8. E. Ramkumar

...Respondents

(8th Respondent is brought on record as legal heir
of the deceased fourth respondent vide Court
order, dated 18.07.2022 made in C.M.P(MD)
Nos.2016 to 2018 of 2018)

PRAYER: Appeal Suit filed under Section 96 of the Code of Civil
Procedure, against the judgment and decree dated 11.06.2008 passed in
O.S.No.258 of 2003, by the learned Additional Subordinate Judge,
Dindigul.

For Appellant : Mr.M.R.Sreenivasan
for Mr.R.Nandakumar

For Respondents : Mr.M.Lingadurai - for R1, R2 & R7
Special Government Pleader

Mr.M.Nagarajan - for R3, R5 and R6

R4 - died

R8 - batta due



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JUDGMENT

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Today when the matter is taken up for hearing, the learned counsel appellant submitted that the third respondent died on 09.04.2020.

2. Steps have not been taken for the third respondent and hence, the appeal suit is dismissed as against the third respondent. It appears that the respondents 5 and 6, who are the legal heirs of the deceased third respondent are already on record. Therefore, the question of abatement does not arise. However, as steps have not been taken, the appeal suit is dismissed as against the third respondent. A perusal of the cause list shows that batta has not been paid for the eighth respondent and therefore, the appeal is dismissed as against the eighth respondent.

3. The appeal is pending from the year 2009. When the matter is taken up for hearing today, the learned counsel for the appellant is not ready to argue the matter, despite, sufficient opportunities being given to the appellant, he is not ready to utilise the opportunities and prosecute the appeal further. This shows that the appellant is not interested in prosecuting the appeal diligently. Hence, this Court has no other option, except to dismiss the appeal suit for non-prosecution.



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4. Accordingly, this Appeal Suit stands dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petition is closed.

16.08.2022

Index:Yes/No

Internet:Yes/No

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To

- 1.The Additional Subordinate Judge,
Dindigul.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VELMURUGAN, J.

rm

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(1/2)

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