



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
(Civil Appellate Jurisdiction)

Monday, the Eighteenth day of April Two Thousand Twenty Two

PRESENT
The Hon`ble Mr.Justice G.R.SWAMINATHAN

SA(MD). No.317 of 2010

1 Arulmigu Chellandiamman Thirukovil
Authoor Village,
Chittayankottai,
Represented by Hereditary trustee,
Sonsof A.Balasubramanian
B.Shanmuga Vel Rajan
B.Paramasivam.

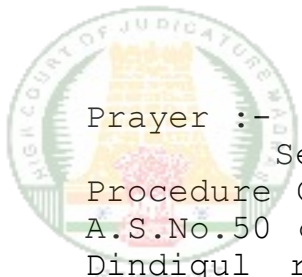
...Appellant/Respondent/ Plaintiff

(Appellant's Trustee is substituted court order dated 23/03/2022
made in C.M.P(MD)No.1507 of 2022)

Vs

1 R.Jeyaram(died) ...1stRespondent/Appellant/1st Defendant
2 The Assistant Commissioner
Hindu Religious and Charitable Endowment Department,
Chennnai.
3 The Revenue Divisional Officer,
Dindigul.
4 The Thasildar,
Dindigul.
5 The Assistant Engineer,
Tamilnadu Electricity Department,
Chithayankottai. ...Respondent 1to4/Respondents 2to5
Defendants
6 Nagammal
7 Raman
8 Jeeva ... Respondents

(R6 TO R8 are SUO MOTU impleaded as LRS of the Deceased R1
<https://services.eCourts.gov.in/CsServices/> dated 11.02.22 made IN SA(MD).NO.317/2010)



Prayer :-

Second Appeal filed under section 100 of the Civil Procedure Code, against the judgment and decree dated 01/02/2008 in A.S.No.50 of 2007 on the file of the Additional Subordinate Judge, Dindigul reversing the judgment and decree dated 07/12/2006 in O.S.No.811 of 2005 on the file of the Principal District Munsif Court, Dindigul.

Decree:-

This Second Appeal came up for hearing on date, upon perusing the grounds of Appeal, the Judgement and Decree of the Lower Appellate Court and the Court of First Instance and the material papers in the suit and upon hearing the arguments of Mr.H. Lakshmi Shankar for Mr.S.Harihara Ramachandran Advocate for the Appellant and Mr.P.Subbaraj, Advocate for the 2nd to 4th respondents, and Mr.B.Ramanathan, Advocate for the 5th respondent and Mr.S.Srinivasa Raghavan, Advocate for the 6th to 8th respondents, this court while allowing the appeal, doth order and decree as follows:-

i) That the impugned judgment and decree be and hereby is set aside and the decision of the trial court is restored and the Second Appeal is allowed.

ii) That the impugned judgment will be binding only on the legal heirs of the first defendant in their individual capacity and it will not have any bearing on the claim of Devanga Chettiar Community if any and the same is left open.

iii) That there be no cost in the Second Appeal.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

To

1. The Additional Subordinate Judge, Dindigul.

2. The Principal District Munsif Court, Dindigul.

3. The Assistant Commissioner
Hindu Religious and Charitable Endowment
Department,
Madurai.

4. The Revenue Divisional Officer,
Dindigul.

5. The Thasildar,
Dindigul.



6.The Assistant Engineer,
Tamilnadu Electricity Department,
Chithayankottai

Copy To

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S. SRINIVASA RAGHAVAN, Advocate (SR-19110[F] dated 18/04/2022)
+1 CC to M/s.H. LAKSHMI SHANKAR, Advocate (SR-19255[F] dated 19/04/2022)
+1 CC to M/s.B. RAMANATHAN, Advocate (SR-19438[F] dated 19/04/2022)
+1 CC to M/s.SPL.GP (SR-19545[F] dated 19/04/2022)

ORDER DATED 18/04/2022

DECREE

SA(MD).No.317 of 2010

Allowing the SA(MD).No.317 of 2010 Preferred against the judgment and decree dated 01/02/2008 in A.S.No.50 of 2007 on the file of the Additional Subordinate Judge, Dindigul reversing the judgment and decree dated 07/12/2006 in O.S.No.811 of 2005 on the file of the Principal District Munsif Court, Dindigul.

MGJ(15.06.2022) 3P 13C