



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

S.A. (MD)No.397 of 2010

WEB COPY

Arittapatty Melamandhai
Karaikudigal through its
Periya Ambalam and
other Ambalams.
Periyalagan Ambalam

(Appellant (Periya Ambalam) is substituted vide order dated
04.03.2022

made in C.M.P.(MD)No.1859 & 1860 of 2022)

... Appellant

Vs.

1. Arulmigu Kallalagar Devasthanam,
through its Commissioner /
Executive Officer,
Alagarkoil, Madurai District.

... Respondent / Respondent /
1st Defendant

2. Keelamandhai Kudigal of
Arittapatty through its Periyambalam
Ponnachi Ambalam.

(2nd respondent (Periyambalam) is substituted vide Order dated
04.03.2022 made in C.M.P.(MD)Nos.1859 & 1860 of 2022)

... Respondent

Prayer: Second appeal filed under Section 100 of C.P.C.,
against the Judgment and Decree passed in A.S.No.21 of 2009 dated
22.12.2009 on the file of the I Additional Subordinate Judge,
Madurai, confirming the Judgment and Decree passed in O.S.No.159 of
2006 dated 20.08.2008 on the file of the District Munsif, Melur.

For Appellant : Mr.S.A.Ajmal Khan

For R-1 : Mr.S.Manohar

For R-2 : Mr.K.Mahendran

* * *

J U D G M E N T

The only issue between the parties is regarding receiving
perquisites / honours from Arulmighu Kallazhagar temple. Such a suit
is not maintainable in view of Section 63(e) r/w. Section 108 of The



Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The Courts below have rightly held that the said suit would not lie. No substantial question of law arises for consideration.

2. This second appeal is dismissed. No costs.

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Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The I Additional Subordinate Judge,
Madurai.
2. The District Munsif,
Melur.
3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1 CC to M/s.S.MANO HAR, Advocate (SR-15612[F] dated 31/03/2022)

S.A. (MD) No.397 of 2010
30.03.2022

KM(CO)

TR(28.04.2022) 2P 6C