



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Seventh day of September Two Thousand and Twenty
Two
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CMP(MD)Nos.8200 & 8201 of 2022
in
SA(MD)SR.Nos.51646 & 51647 of 2022

THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE,
ENDOWMENTS (ADMINISTRATION) DEPARTMENT,
HOLDING HIS OFFICE AT
NUNGAMBAKKAAM,
MADRAS - 600 034.

... PETITIONER / APPELLANT
IN BOTH PETITIONS

Vs

PALANIPPA PULIPANI SWAMIGAL (DIED)

1.SRI SIVANANDA PULIPANI SWAMIGAL,

2 THE STATE OF TAMILNADU
REPRESENTED BY ITS DISTRICT COLLECTOR,
DINDIGUL.

3 THE EXECUTIVE OFFICER
ARULMIGU DHANDAYUTHAPANI SWAMI DEVASTHANAM,
PALANI.

... RESPONDENTS / RESPONDENTS
IN BOTH PETITIONS

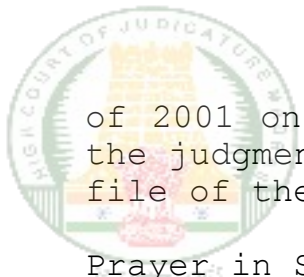
Prayer in CMP(MD). 8201/ 2022 in SA(MD)SR.Nos.51646 of 2022:

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 1825 days in filing the present second appeal against the judgment and decree dated 23-06-2015 in A.S.No.78 of 2001 on the file of the Additional District Court, Dindigul and the judgment and decree dated 30-06-1982 in O.S.No.105 of 1999 on the file of the Subordinate Judge, Palani.

Prayer in CMP(MD). 8201/ 2022 in SA(MD)SR.Nos.51647 of 2022:

To condone the delay of 1825 days in filing the present second appeal against the judgment and decree dated 23-06-2015 in A.S.No.79 of 2001 on the file of the Additional District Court, Dindigul.

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of 2001 on the file of the Additional District Court, Dindigul and the judgment and decree dated 30-06-1982 in O.S.No.106 of 1999 on the file of the Subordinate Judge, Palani.

Prayer in SA(MD)SR.Nos.51646 of 2022:

To prefer this memorandum of Grounds of Second Appeal against the judgment and decree dated 23.06.2015 in A.S.No.78 of 2001 on the file of the Additional District Judge, Dindigul in partly allowing the judgment and decree dated 22.02.2001 made in O.S.No.105 of 1999 on the file of Subordinate Court, Palani.

Prayer in SA(MD)SR.Nos.51647 of 2022:

To prefer this memorandum of Grounds of Second Appeal against the judgment and decree dated 23.06.2015 in A.S.No.79 of 2001 on the file of the Additional District Judge, Dindigul in partly allowing the judgment and decree dated 22.02.2001 made in O.S.No.105 of 1999 on the file of Subordinate Court, Palani.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of MR.R.BASKARAN, Additional Government Pleader for the petitioner in both petitions and of Mr.S.Madavan, Advocate for the 1st respondent and Mr.M.Sarangan, Government Pleader for the 2nd respondent and Mrs.A.L.Gandhimathi, Advocate for the 3rd respondent in both petitions, the court made the following order:-

The second appeals in SA(MD)SR.Nos.51646 & 51647 of 2022 are intended to be filed as against the findings of the learned Additional District Judge, Dindigul in A.S.No.78 of 2001 & A.S.No.79 of 2001, dated 23.06.2015 with a delay of 1825 days in preferring these Second Appeals. CMP(MD)Nos.8200 & 8201 of 2022 are filed to condone the delay of 1825 days.

2.Mr.Madavan, learned counsel, Mr. Sarangan, learned Government Pleader and Mrs.A.L.Gandhimathi, learned counsel take notice for the respondents 1,2 & 3 respectively.

3.The learned Additional Advocate General appearing for the appellant/the Commissioner, Hindu Religious and Charitable Endowment (Administration Department) submits that as no relief has been sought for as against the appellant, no appeal was filed as against the Judgement and decree passed by the first Appellate Court, immediately. Now, on the legal advice, the Head of the Department has prepared to file these appeals.

4.The learned Government Pleader appearing for the second respondent submits that the second respondent has challenged the Judgment and decree passed in A.S.Nos.78 & 79 of 2001 before this Court in S.A(MD) Nos.589 and 590 of 2015 respectively and those

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If the delay in the present petitions is condoned, they may get an opportunity to put forth the stand of the Government before the Appellate Court.

5.The learned counsel appearing for the first respondent submits that the second appeals in SA(MD)SR.Nos.51646 & 51647 of 2022 are filed with a delay of 1825 days, without any proper/valid reasons and the reasons now adduced by the appellant cannot be accepted. He further submits that the appellant has not contested the suits in O.S.Nos.105 & 106 of 1999 by filing any written statements and therefore, he is not a necessary party to the proceedings and the appeals are not necessary.

6.The learned counsel appearing for the respondents 2 & 3 are not having any objections for condoning the delay.

7.This Court considered the rival submissions made and also perused the materials placed on record.

8.These appeals are intended to be filed as against the Judgment and decree passed by the learned Additional District Judge, Dindigul in A.S.Nos.78 & 79 of 2001, dated 23.06.2015 with an inordinate delay of 1825 days. Though this Court is not convinced with the reasons assigned, considering the submission made by the learned Government Pleader appearing for the second respondent that already second appeals in S.A(MD) Nos.589 and 590 of 2015 have been filed as against the Judgment and decree passed in A.S.Nos.78 & 79 of 2001, dated 23.06.2015, which are posted for final disposal and considering the fact that the stand of this appellant in these second appeals would also enable the Court to take a just decision in the second appeals in S.A(MD) Nos.589 and 590 of 2015, these Civil Miscellaneous Petitions are allowed and the delay of 1825 days is condoned.

9.Registry is directed to number the second appeals and list it for admission along with S.A(MD) Nos.589 and 590 of 2015 before the concerned Bench, after getting necessary permission from the Honourable Administrative Judge.

sd/-
27/09/2022

/ TRUE COPY /

27/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE ADDITIONAL DISTRICT JUDGE,
DINDIGUL.

2 THE SUBORDINATE JUDGE,
PALANI.

COPY TO:

1 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2 THE SUB ASSISTANT REGISTRAR,
MAIN AE SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CMP (MD) Nos. 8200 & 8201 of 2022

in

SA (MD) SR. Nos. 51646 & 51647 of 2022

Date : 27/09/2022

vrn

MK/SBN/SAR.III/27.09.2022/4P/5C