



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

Monday, the Thirty First day of October Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD) No.9323 of 2017

IN

AS No.565 of 1999

SEELANAYAKANPATTI THOPPANPATTI,
SADAYAMPATTI THEKAMALAI AYYANAR TEMPLE
REPD BY ITS HEREDITARY TRUSTEE,
APPANNA NAICKER,
RESIDING THOPPANAICKENPATTI,
KUMARAVADI VILLAGE,MANAPARAI,
TRICHY DISTRICT.

... PETITIONER/APELLANT

Vs

1 ANDI NACIKER (DIED)

2. ANDIAMMAL

3 VELLAIAMMAL

4 SEELAPAMBA NAICKER

5 KAMA NAICKER

6 CHINNAPPA NAICKER

7 PALANISAMY NAICKER

...RESPONDENTS/RESPONDENTS

8 CHINNAMMAL

9 ANDAL

10 BALAMURUGAN

11 MINOR KALAISELVI

...RESPONDENTS 8 TO 11/
PROPOSED RESPONDENTS 8 TO 11

(REP.BY HER NATURAL GUARDIAN AND MOTHER
ANDAL 9TH RESPONDENT)

12 VELLAIAMMAL

13 SEELAMA NAICKER



14 THATHA NAICKER

15 POMMA NAICKER

16 MANIVASAGAM

17 SELVAKUMAR

... RESPONDENTS

(CAUSE TITLE AMENDED AS PER ORDER DATED
12.10.2018 IN CMP(MD)No.8302 TO 8309 OF
2018 IN AS NOS.564& 565 OF 1999)

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the order of dismissal of the 1st Respondent from the main appeal dated 01/06/2017 and restore the 1st respondent in the main appeal A.S.No. 565 of 1999.

PRAYER IN AS No.565 of 1999:

To prefer this Memorandum of Regular Appeal against the Judgment and Decree on the file of the Sub Judge, Kulithalai in O.S.600 of 1995 and dated 21.09.1998.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.RAGHAVACHARI, Advocate for the petitioner and of M/S.M.PRABHU, Advocate on behalf of the Respondents 8 to 11 & 17 and M/S.P.THIAGARAJAN, Advocate for Respondents 12 to 15, the court made the following order:-

When the matter is taken up for hearing today, the learned counsel for petitioner/appellant has filed a memo stating that the 16th respondent was reported dead and he was unmarried, leaving behind the respondents 2, 10, 11 and 17 as his legal representatives and as such, there is no need to take steps for the deceased 16th respondent. Memo is recorded.

2.The learned counsel for the respondents would submit that they are not having any objections to allow this petition.

3.Being satisfied with the averments stated in the affidavit filed in support of this petition, the petition is allowed.

sd/-

31/10/2022

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/11/2022

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



CMP(MD)



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TO

THE SUBORDINATE JUDGE, KULITHALAI.

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RK/GB/SAR-1 (03/11/2022) 3P/2C

ORDER

IN

CMP (MD) No.9323 of 2017

IN

AS No.565 of 1999

Date :31/10/2022