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S.A.Nos.1424 of 2005 and 1604 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

S.A.No.1424 of 2005

&

S.A.No.1604 of 2004

S.A.No.1424 of 2005

T.Rajasekaran

... Appellant

Vs.

1. M/s.Chennaiyillulla Virudhunagar Hindu
Nadars Adhiviruthi Dharma Fund,
No.61, P.A.N. Rajarathinam Salai,
Chennai – 600 021.

2. President,
M/s.Chennaiyillulla Virudhunagar Hindu
Nadars Adhiviruthi Dharma Fund,
No.61, P.A.N. Rajarathinam Salai,
Chennai – 600 021.

3. Secretary,
M/s.Chennaiyillulla Virudhunagar Hindu
Nadars Adhiviruthi Dharma Fund,
No.61, P.A.N. Rajarathinam Salai,
Chennai – 600 021.

... Respondents



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S.A.Nos.1424 of 2005 and 1604 of 2004

For Appellant : M/s.B.Priya
for Mr.G.M.Syed Fassudden
For Respondents : Mr.R.Krishnasamy
for Mr.P.K.Gopal Raj

S.A.No.1604 of 2004

1. M/s.Chennaiyillulla Virudhunagar Hindu
Nadars Adhiviruthi Dharma Fund,
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... Appellants

Vs.

T.Rajasekaran

... Respondent

For Appellants : Mr.R.Krishnasamy
for Mr.P.K.Gopal Raj
For Respondent : M/s.B.Priya
for Mr.G.M.Syed Fassudden



S.A.Nos.1424 of 2005 and 1604 of 2004

Prayer in 1424 of 2005: Second Appeal filed under Section 100 of C.P.C., to set aside the Judgement and Decree passed in A.S.No.146 of 2022 dated 31.03.2004 by the learned VII Additional Judge, City Civil Court, Chennai and allow the second appeal.

Prayer in 1604 of 2004: Second Appeal filed under Section 100 of C.P.C., to set aside the Judgement and Decree on 31.03.2004 of the learned VII Additional Judge, City Civil Court, Chennai, made in A.S.No.146 of 2022 and confirm the Judgment and Decree dated 30.03.2001 made in O.S.No.8685 of 1997 by the XVII Assistant Judge, City Civil Court, Chennai.

COMMON JUDGMENT

By this common Judgment both the appeals are being disposed of.

2. First we shall deal with **S.A.No.1424 of 2005**. Mr.S.D.S.Phillip, learned counsel appearing for the appellant states that the matter relates to membership to the Chennaiyillulla Virudhunagar Hindu Nadars Adhiviruthi Dharma Fund. On 01.03.2003, the learned counsel for the appellant has made a request that if an application is filed for fresh membership to the Chennaiyillulla Virudhunagar Hindu Nadars Adhiviruthi Dharma Fund, it may be directed to be considered.



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3. Ms.Darshini, learned counsel representing Mr.P.K.Mohanvel, learned counsel for the respondents, said that she will verify with the client and report on 15.03.2023.

4. When the matter is taken up for hearing today, Mr.R.Krishnasamy learned counsel representing Mr.P.K.Mohanvel, learned counsel for the respondents would submit that if an application is received by the appellant, it will be favourably considered. Hence nothing further survives for adjudication in **S.A.No.1424 of 2005**. Consequently, the appeal filed in **S.A.No.1604 of 2004**, against the disallowed portion is also being withdrawn by Mr.R.Krishnasamy, learned counsel representing for Mr.P.K.Gopal Raj, learned counsel for the appellants.

5. Therefore, the second appeal filed in **S.A.No.1424 of 2005** is “dismissed as infructuous” and **S.A.No.1604 of 2004** is “dismissed as withdrawn”. No costs.

15.03.2023

Index : Yes/No
rgm

V.LAKSHMINARAYANAN, J.



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rgm

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To:

- 1.The VII Additional Judge,
City Civil Court, Chennai.
- 2.The XVII Assistant Judge,
City Civil Court, Chennai.

S.A.No.1424 of 2005
&
S.A.No.1604 of 2004

15.03.2023