



S.A.No.480 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2023

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

S.A.No.480 of 2005

Velankanni Sri Rajadhagirieeswarar
Swamy Koil Trust,
rep. by its Trustee
Muruganantham,
s/o. Vairappa Thevar,
5/93, Nadutheru,
Velankanni,
Nagapattinam District.

...Appellant

Vs.

1.Velankanni Saint Arokiyamatha Church
rep. by its Reverant Father
Velankanni, Keevaloor Taluk,
Nagapattinam District.

2.Nataraja Thevar

...Respondents

Prayer: Second Appeal is filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree of the District Court, Nagapattinam dated 30.09.2004 made in A.S.No.43 of 2004



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confirming the Judgement and Decree of Additional Sub Court,
Nagapattinam dated 02.12.2003 made in O.S.No.19 of 1999.

For Appellant : Mr.A.Arunbabu

For Respondent 1: Mr.R.Thirugnanam

For Respondent 2: No Appearance.

JUDGMENT

In the above Second Appeal, the appellant has filed a petition in C.M.P.No.388 of 2023 seeking permission of this Court to dismiss the above Second Appeal as withdrawn with a liberty to work out their remedy in O.S.No.36 of 2016, pending on the file of the Sub Court, Nagapattinam. The said suit has been filed after the filing of this Second Appeal.

2. The said petition is ordered as prayed for and accordingly the above Second Appeal is dismissed as withdrawn with a liberty to the appellant to work out their remedy in O.S.No.36 of 2016, pending on



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the file of the Sub Court, Nagapattinam, without prejudice to the rights of the either parties in the said suit. No costs.

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Index : Yes/No
Internet : Yes/No
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To

1.The District Court,
Nagapattinam.

2.The Additional Sub Court,
Nagapattinam



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