



S.A(MD)No.1078 of 2006

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

S.A(MD)No.1078 of 2006

- 1.L.Manoharan (Died) ...Appellant/Appellant/Plaintiff
- 2.M.Kanagamani
- 3.Mr.Sasikumar
- 4.Minor M.Pirutha
- 5.Angathal ... Appellants 2 to 5

(Minor appellant 4 represented by her mother and next friend M.Kanagamani)

(Appellants 2 to 5 are brought on record as LR's of deceased sole appellant vide common order, dated 05.03.2013 made in M.P(MD)No.1 of 2011 and M.P(MD)No.1 of 2013 in S.A(MD)No.1078 of 2006 by BRJ)

Vs.

- 1.The Deputy Commissioner,
Hindu Religious & Charitable Endowment Board,
Madurai – 1.
- 2.The Commissioner,
Hindu Religious & Charitable Endowment Board,
Chennai.
- 3.The Joint Commissioner/Executive Officer,
Arulmighu Dhandayudapani Swami Temple,
Palani. ...Respondents/Respondents/
Defendants



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PRAYER :-

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This Second Appeal is filed under Section 100 of the Civil Procedure Code, against the judgment and decree, dated 16.06.2006 in A.S.No.34 of 2005 on the file of the Sub Court, Palani, confirming the judgment and decree, dated 22.07.2005 in O.S.No.37 of 1997 on the file of District Munsif Court, Palani.

For Appellants : Mr.S.Madhavan
For R1 & R2 : Mr.R.Ragavendran
Additional Government Pleader
For R3 : Mr.R.Devaraj

JUDGMENT

It is stated by the learned counsel for the appellant that the suit out of which, the present Second Appeal arises is filed for injunction restraining the respondents/defendants from taking any action in furtherance of notices, dated 07.01.1997 and 10.12.1996 marked as Ex.A7 and Ex.A9. The notice, which was marked as Ex.A7 was issued by the HR & CE., Department to the appellant/plaintiff, to show cause as to why Execution Officer should not be appointed to Saadhu Seenimalai Thambiran Swami Madam, No.156, Dindigul Road, Palani. The suit was dismissed by the trial Court with liberty to the appellant to approach the appropriate authorities questioning Ex.A7 and Ex.A9. The said judgment and decree were challenged in appeal in A.S.No.34



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of 2005 on the file of the Sub Court, Palani. The First Appellate Court confirmed the findings of the trial Court. Aggrieved by the same, the appellant has come up by way of this Second Appeal.

2.It is stated by the learned counsel for the appellant that pending first appeal, the respondent HR & CE., Department appointed a Fit Person to the institution concerned. Therefore, no purpose will be served by proceeding with the Second Appeal.

3. Hence, the Second Appeal stands dismissed by confirming the liberty granted to the appellant in the decree of the trial Court. No costs.

23.02.2023

NCC : Yes/No
Index : Yes / No
vsd



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S.SOUNTHAR, J.

vsd

To

- 1.The Sub Court,
Palani.
- 2.The District Munsif Court,
Palani.
- 3.The Record Keeper,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

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