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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Tuesday, the Twenty Ninth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD). Nos.2638 to 2642 of 2018
in
SA.Nos.480, 484, 485, 486 and 487 of 1995

CMP(MD). Nos.2638 of 2018 in SA.No.480 of 1995:

Rajapalayam Ambalapuli Bazaar
Arulmighu Gurusamy Temple
Thiruppani and Kovil Nirvaga Committee
by its Secretary M.R.Radhakrishna Raja

... Petitioner/ Appellant

Vs

1. Sivagurunatha Poosari (Died)
2. Ganesa Moopnar
3. C. Gurunamachivayam Poosari,

... Respondents/ Respondents

Prayer :-

Civil Miscellaneous Petition filed U/s.5 of Limitation Act to condone the delay of 108 days in filing the above application to restore the second appeal in S.A.No.480 of 1995



Prayer in SA.No.480 of 1995:

Second Appeal filed Under Section 100 of Civil Procedure Code against the Judgment and Decree dated 20.10.1994 made in A.S.No.97 of 1994 on the file of the District court Srivilliputhur, confirming the Judgment and Decree dated 31.01.1994 made in O.S.No.117 of 1993 on the file of the Additional District Munsif Court, Srivilliputhur.

CMP(MD). No. 2639/ 2018 in SA.No.484 of 1995:

1. S.T.Balaramaraja

... Petitioner/ Appellant No.2

- Vs. -

1. Sivagurunatha Poosari (Died)

2.C. Gurunamachivayam Poosari

... Respondent No.1/
2nd Respondent

3. Poomari @ Mariappan

... Respondent No.2/
1st Appellant

Prayer in CMP(MD). 2639/ 2018 :

Civil Miscellaneous Petition filed U/s.5 of Limitation act to condone the delay of 108 days in filing the above application to restore the second appeal in S.A.No.484 of 1995



Prayer in S.A.No.484 of 1995

Second Appeal filed Under Section 100 of Civil Procedure Code against the Judgment and Decree dated 20.10.1994 made in A.S.No.367 of 1993 on the file of the District Court Srivilliputhur confirming the Judgment and Decree dated 30.09.1993 made in O.S.No.89 of 1989 on the file of the Subordinate Court, Srivilliputhur.

CMP(MD). 2640/ 2018 in SA.No.485 of 1995

1. Rajapalayam Ambalapuli Bazaar
Arulmighu Gurusamy Temple,
Thiruppani and Temple Executive Committee,
Rep., by its Secretary M.R.Radhakrishna Raja
 2. Jeganatha Raja
 3. M.R.Radhakrishna Raja
- ... Petitioners/ Appellant No.1,3 and 9

- Vs. -

1. S Sivagurunatha Poosari
 2. S.Natarajan Poosari
 3. S.Valaguru Poosari
 4. R.Sivagnanam Poosari
 5. R.Sivaguru Poosari
 6. P.Sivaguru Poosari
- ...Respondents No.1 to 6/
Respondents No.1 to 6

7. A.Gurusamy
8. M.S.Ramasamy Raja
9. P.B.Arumugham
10. Subramania Raja
11. C.M.Mariappan
12. K.Gurusamy



13. M.P.Rammohan Raja

... Respondents No.7 to 13/
Appellants No.2, 4 to 8 and 10

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Prayer :

Civil Miscellaneous Petition filed U/s.5 of Limitation act to condone the delay of 108 days in filing the above application to restore the second appeal in S.A.No.485 of 1995

Prayer in S.A.No.485 of 1995

Second Appeal filed Under Section 100 of Civil Procedure Code against the Judgment and Decree dated 20.10.1994 made in A.S.No.368 of 1993 on the file of the District Court Srivilliputhur, confirming the Judgment and Decree dated 30.09.1993 made in O.S.No.41 of 1991 on the file of the Sub ordinate Court, Srivilliputhur.

CMP(MD). 2641/ 2018 in SA.486 of 1995

1. Rajapalayam Ambalapuli Bazaar
Arulmighu Gurusamy Kovil
Tirupani committee
by its President
M.R.Radhakrishna Raja

... Petitioner/ Appellant No.2

- Vs. -

1. Sivagurunatha Poosari (Died)

2.C. Gurunamachivayam Poosari

... 2nd Respondent/2nd Respondent

3. Poomari @ Mariappan

... 3rd Respondent/1st Appellant



Prayer in CMP(MD). 2641/ 2018 :

Civil Miscellaneous Petition filed U/s.5 of Limitation Act to condone the delay of 108 days in filing the above application to restore the second appeal in S.A.No.486/1995

Prayer in S.A.No.486/1995

Second Appeal filed Under Section 100 of Civil Procedure Code against the Judgment and Decree dated 20.10.1994 made in A.S.No.369 of 1993 on the file of the District Court Srivilliputhur, confirming the Judgment and Decree dated 30.09.1993 made in O.S.No.25 of 1993 on the file of the Subordinate Court, Srivilliputhur.

CMP(MD). 2642/ 2018 in SA.No.487 of 1995

1. Rajapalayam Ambalapuli Bazaar
Arulmighu Gurusamy Kovil
Thirupani and Temple Executive Committee,
Rep. by its Secretary,
M.R.Radhakrishna Raja

... Petitioner/ Appellant

- Vs. -

1. S Sivagurunathan Poosari
2. S.Natarajan Poosari
3. S.Valaguru Poosari
4. R.Sivagnanam Poosari
5. R.Sivaguru Poosari
6. B.Sivaguru Poosari
7. V.Gnanaguru Poosari
8. K.Gnanaguru Poosari
9. S.S.Dhanushkoti Raja



10. E.K.Gopal Raja
11. S.A.Seetharama Raja
12. K.Ganesan Moopanar

... Respondents/Respondents

Prayer:

Civil Miscellaneous Petition filed U/s.5 of Limitation Act to condone the delay of 108 days in filing the above application to restore the second appeal in S.A.No.487 of 1995

Prayer in S.A.No.487 of 1995

Second Appeal filed Under Section 100 of Civil Procedure Code against the Judgment and Decree dated 20.10.1994 made in A.S.No.370 of 1993 on the file of the District Court Srivilliputhur, confirming the Judgment and Decree dated 30.09.1993 made in O.S.No.486 of 1993 on the file of the Subordinate Court, Srivilliputhur.

ORDER:- These Civil Miscellaneous Petitions are coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.P.Senthil, Advocate for the Petitioners in all the Petitions, Mr.M.Thirunavukkarasu, Advocate for the Respondent No.3 in CMP (MD).Nos.2638 of 2018 & 2640 of 2018 and 2642 of 2018 and for the Respondent No.2 in CMP(MD).Nos.2639 of 2018 & 2641 of 2018, this Court made the following



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When these applications were taken up for hearing on 22.08.2023, this Court passed the following order.

"The learned counsel for the respondents would submit that some of the respondents in the appeals have passed away and he has also filed a Memo dated 20.07.20223 to that effect. He would further submit that the deceased respondents were Poosaries in their personal capacities and therefore, there is no necessity to implead their LRs. However, steps have to be taken to substitute the present Poosaries.

2. Though Memo was filed on 20.07.2023, till date no steps were taken by the petitioner counsel.

3. The appeals are of the year 1995. This Court is inclined to give one more chance to the petitioner to take steps in this regard. It is made clear that if no steps are taken by next hearing, these petitions will be dismissed with costs for unnecessarily dragging on the proceedings."

2. When the matter is taken up for hearing today, the learned counsel for the

<https://www.mhc.tn.gov.in/judis>

petitioner sought further time for taking steps. In the above order, it has been



clearly stated that the petitions will be dismissed with costs if steps are not taken.

Therefore, all the present petitions are dismissed with cost of Rs.1,000/- (Rupees one thousand only).

Sd/-

Assistant Registrar(AS)

// True Copy //

/11/2023

Sub Assistant Registrar(CS)

TO

1. The Principal District Judge, Virudhunagar at Srivilliputhur.
2. The Subordinate Judge, Srivilliputhur
3. The Additional District Munsif, Srivilliputhur

Copy to:

- 1) The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai
- 2) The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai



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ORDER DATED : 29/08/2023

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ORDER

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CMP(MD). Nos.2638 to 2642 of 2018

in

SA.Nos.480, 484, 485, 486 and 487 of 1995

Giving direction and etc.
as stated within.

MGJ(07.11.2023) 9P 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023