



S.A.(MD)No.864 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2023

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THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

S.A.(MD)No.864 of 2014 &
C.M.P.(MD)No.11439 of 2023 &
M.P.(MD)No.1 of 2014

Bramhashri Viswamithra Magarishi,
Yoga Mouna Ashramam, Palani,
Through its Managing Trustee Mr.K.Narayansamy,
Son of Krishnasamy, Door No.3, Plot No.49,
Ward No.4, Sivagiripatti Village,
Palani Taluk, Dindigul District.

...Appellant

vs.

K.Ayyalusamy

... Respondent

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 13.04.2010 in A.S.No.90 of 2008 on the file of the Principal Subordinate Judge, Palani confirming the Judgment and Decree dated 22.08.2008 in O.S.No.345 of 2006 on the file of the Principal District Munsif, Palani.

For Appellant : Mr.H.Lakshmi Shankar

For Respondent : Mr.K.Sekar



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JUDGMENT

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The learned counsel for the appellant has filed a Memo stating that the appellant / Managing Trustee appears to have died in the year 2019. It has further been stated that the proposed petitioner has filed a suit for declaration and for recovery of possession in O.S.No.75 of 2011 before the Sub Court, Dindigul. The said suit is still pending. This Second Appeal has arisen out of the suit for permanent injunction. The sole respondent who is the brother of the Managing Trustee of the appellant also died. No cause of action survives for adjudication in the Second Appeal.

2. Memo dated 26.08.2023 is recorded and the Second Appeal is disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petitions are closed.

16.11.2023

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

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To

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- 1.The Principal Subordinate Judge, Palani
- 2.The Principal District Munsif, Palani
- 3.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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R.KALAIMATHI, J.

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