



C.M.P.(MD).No.7447 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2023

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.P.(MD).No.7447 of 2022

in

S.A.(MD).SR.No.28959 of 2018

1.Kannanputhoor Vellalar Samudhaya Sree Rama
Vinayahar and others Temples,
Represented by its Member M.Subramonia Pillai,
(Representing for Majority of Members of Kannanputhoor
Vellala Community),
Kannanputhoor,
Chenbagaramanputhoor Village,
Thovalai Taluk,
Kanyakumari District.

2.M.Veerabathira Pillai,
Agriculturist,
Member of Kannanputhoor Vellalar Samudhayam,
Kannanputhoor,
Chenbagaramanputhoor Village,
Thovalai Taluk,
Kanyakumari District.

...Petitioners/Appellants/
Appellants/Plaintiffs

Vs.

1.The Commissioner,
Hindu, Religious and Charitable Endowments (Admn.)
Department,
Nungambakkam,
Chennai – 600 034.



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2.The Assistant Commissioner,
Hindu, Religious and Charitable Endowments (Admn.)
Department,
Mettu Theru,
Vadiveeswaram,
Vadiveeswaram Village,
Agasteeswaram Taluk,
Kanyakumari District.

3.The Fit Person,
Executive Officer,
Kannanputhoor,
Vellalar Samudhaya Sree Rama Vinayahar and other temples,
Kannanputhoor,
Chenbagaramanputhoor Village,
Thovalai Taluk,
Kanyakumari District.

4.Kaliappa Pillai

5.C.Paramasivan Pillai

6.S.Krishnan

7.R.Moorthy

...Respondents/Respondents/
Respondents/Defendants

Prayer in C.M.P.(MD).No.7447 of 2022: Civil Miscellaneous Petition is filed under Order 41 Rule 3A of CPC to condone the delay of 6 days in preferring the Appeal before this Court as against the decree and judgment of the learned II Additional Subordinate Judge at Nagercoil, Kanyakumari District dated 26.02.2018 made in A.S.No.105 of 2014 confirming the decree and judgment of the learned District Munsif cum Judicial Magistrate, Boothapandy,



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Kanyakumari District dated 19.11.2013 in O.S.No.48 of 2012 (New No.), O.S.No.134 of 2005 (Old No.), and thus render justice.

Prayer in S.A.(MD).SR.No.28959 of 2018: Second Appeal is filed under Section 100 of CPC to allow the above Second Appeal and consequently set aside the decree and judgment as made in A.S.No.105 of 2014 passed by the learned II Additional Subordinate Judge at Nagercoil, Kanyakumari District dated 26.02.2018 confirming the decree and judgment of the learned District Munsif Cum Judicial Magistrate, Boothapandy, Kanyakumari District dated 19.11.2013 in O.S.No.48 of 2012 (New No.), O.S.No.134 of 2005 (Old No.), of dismissing the suit filed by the appellants/plaintiffs and subsequently order the relief as sought for in the original plaint forthwith.

For Petitioners : Mr.S.Palani Velayutham
For R-3 : Mr.R.Murugan

ORDER

The third respondent is represented by a learned counsel. This Court by its earlier order dated 17.04.2023 made it clear that if steps are not taken to serve the notice on the unserved respondents, namely, the respondents 1, 2 and 4 to 7, this application shall stand automatically dismissed for non-prosecution. However, till date, steps have not been taken by the petitioners/appellants to serve the notice on the respondents 1, 2 and 4 to 7. Hence, in accordance with



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the earlier order dated 17.04.2023, this Civil Miscellaneous Petition stands dismissed for non-prosecution. Consequently, S.A.(MD).SR.No.28959 of 2018 is rejected.

13.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The II Additional Subordinate Court,
Nagercoil,
Kanyakumari District.
- 2.The District Munsif cum Judicial Magistrate Court,
Boothapandy,
Kanyakumari District.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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ABDUL QUDDHOSE, J.

Lm

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in
S.A.(MD).SR.No.28959 of 2018**

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