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S.A. No. 722 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

S.A. No. 722 of 2012

1.Vasanth Ramasamy

2. Pugazhendhi

...Appellants

Vs.

A.M.Apparswamy Temple
Rep. By its Sole Hereditary Trustee
P.R.Sathish Kumar
No.171, Royapettah High Road
Mylapore, Chennai-4.

...Respondent

(The Hereditary Trustee of the Temple is substituted as P.R.Sathish Kumar instead of P.V.Rajkumar (deceased) vide Court order dated 06.09.2024 made in C.M.P. No. 2305 of 2022 in S.A. No .722 of 2012)

PRAYER: Second Appeal is filed under section 100 of the Code of Civil Procedure, 1908, to set aside the judgment and decree dated 12.10.2011 made in A.S. No. 379 of 2010 on the file of the VI Additional City Civil Court, Chennai, confirming the judgment and decree dated 29.06.2010 made in O.S. No. 1383 of 2009 on the file of the VI Assistant City Civil Court, Chennai.

For Appellant : Mr.T.Arulraj

For Respondent : Mr.G.Sugumaran



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S.A. No. 722 of 2011

JUDGMENT

The appeal has been filed only by raising the following questions, by claiming that they are substantial questions of law. For a better clarification the questions raised by the appellant are extracted below:-

- (1) Whether the suit trust is private or public religious and charitable trust?
- (2) If the suit is only private trust, whether the suit is maintainable in law?

The very questions itself would indicate that they are complete questions of fact and they do not involve anything about law. As the second appeal cannot be maintained on the pure question of facts, the second appeal is dismissed.

No costs.

05.11.2024

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No
Maya



S.A. No. 722 of 2011

To

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1. The Judge,
VI Additional City Civil Court,
Chennai.
2. The Judge,
VI Assistant City Civil Court,
Chennai.
3. The Section Officer,
V.R. Section,
High Court, Madras.



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R.N.MANJULA, J.

Maya

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