



S.A(MD)No.421 of 2008

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.06.2024**

CORAM

THE HON'BLE MR.JUSTICE S.SOUNTHAR

S.A(MD)No.421 of 2008

Arulmigu Kombusamy Deity,
Thoppupatty, Rajapalayam,
Through its Trustees and
Representatives of Saliyar
Community at Thoppupatty,
Rajapalayam.

1.P.Arumuga Nainar

2.R.Murugaboopathy

3.R.Ponnusamy

... Plaintiffs/Appellants
Appellants

Vs.

1.Rajam @ Lingammal

2.P.M.C.Ramasubramanian

... Defendants/Respondents
Respondents

PRAYER : Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree passed in A.S.No.79 of 2004 on the file of the Sub Court, Srivilliputtur, dated 18.01.2007 confirming the judgment and decree in O.S.No.84 of 2004, dated



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10.08.2004 on the file of the Principal District Munsif Court,
Srivilliputtur.

For Appellants : No appearance

For Respondents : Mr.A.R.M.Ramesh

JUDGMENT

It is seen from the records that, the appellant Temple is represented by the Trustees and the death of first and second Trustees is already recorded. In the last hearing, the learned Counsel appearing for the appellant informs the Court that in spite of registered letter sent by him, he has not received any instruction from the third Trustee, namely, R.Ponnusamy, who is alive. Therefore, he reported 'No instruction'. Recording the same, the Registry was directed to list the second appeal under the caption 'For Dismissal' by printing the name of the third Trustee, R.Ponnusamy today.

2. Today, the second appeal is listed under the caption 'For Dismissal' by printing the name of the third Trustee, R.Ponnusamy, who is alive and there is no representation for the third Trustee. Hence, the



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Second Appeal stands dismissed for default. There shall be no order as to costs.

25.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Sub Court,
Srivilliputtur.
- 2.The Principal District Munsif Court,
Srivilliputtur.
- 3.The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

BTR

Judgment made in
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