



WEB COPY

SA No. 280 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

SA No. 280 of 2025

P.Kasi

Appellant(s)

Vs

1. Vilvaraj
2. Sekar
3. Rajini
4. Kuttaian @ Chinnan
5. Sanjai Gandhi

Respondent(s)

PRAYER : Second Appeal filed under Sec.100 of Civil Procedure Code, praying to set aside the Judgement and Decree dated 23.01.2013 in AS No.70 of 2012 on the file of the Principal Sub Ordinate Court at Salem confirming the Judgement and Decree of the I Additional District Munsif Salem dated 26.10.2010 made in OS NO.792 of 2008.

For Appellant(s): Ms. S. Vasavi Sridevi

For Respondent(s): Mr.M.Ganesh
For R1 To R3 And R5



JUDGMENT

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Challenging the concurrent findings of the courts below rendered in A.S.No.70 of 2012 on the file of Subordinate Court, Salem arising out of trial court findings rendered in O.S.No.792 of 2008 on the file of I Addl. District Munsif Court, Salem, this Second Appeal was preferred by the appellant/plaintiff.

2.For the sake of convenience, the parties are denoted as per the ranking in the suit.

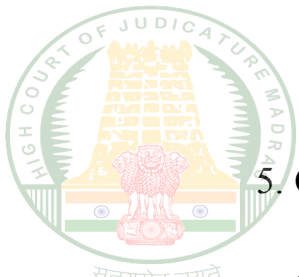
3. Before the trial court, the plaintiff filed a suit for the relief of permanent injunction restraining the defendants from interfering with the management and administration of the suit temple and also restraining them from any way collecting funds and donation from the public for the suit temple against the defendants 1 to 5. According to the plaintiff, in the suit temple viz. Arulmigu Mariamman Koil, he is the hereditary Dharmakartha and he is



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managing as well as administering the said temple, in which, the defendants caused interference. Hence, he come forward with the present suit. The defendants contested the suit by filing written statement and strongly disputed the plea of Dharmakarthha claimed by the plaintiff. Therefore, the burden is casted upon the plaintiff to prove that he is the Dharmakarthha of the suit temple. Except the plaintiff's oral evidence, there is no material evidence adduced on his side. Therefore, the trial court dismissed the suit holding that plaintiff has not proved his claim as he is the Dharmakarthha of the suit temple. Against which, the plaintiff preferred an appeal in A.S.No.70 of 2012, wherein the first appellate judge on analysing the facts as well as evidence on record, finally dismissed the appeal by confirming the findings of trial court holding that the plaintiff was not aware of entire affairs of the temple, however, he was one of the members of the Committee, which was formed to construct the temple, except that, there is no other evidence to show that he is the Dharmakarthha of the temple.

4. Heard and considered the submissions of learned counsel for appellant and perused the materials available on record.



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5. Considering the facts and circumstances, it reveals the fact that when a person claiming hereditary Dharmakartha, the same has to be proved with material evidence, but except his evidence, there is no material evidence adduced on his side. Therefore, both the courts below rightly held that the plaintiff not proved his claim, which needs no interference of this Court. Hence, this Second Appeal is liable to be dismissed, since there is no question of law is involved for consideration. Accordingly, this Second Appeal is dismissed as no merit and the findings rendered by the first appellate court in A.S.No. 70 of 2012 is confirmed and consequently, suit is dismissed. No costs.

09-04-2025

rpp

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. Principal Sub Ordinate Court, Salem

2. I Additional District Munsif, Salem.

3. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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