

A.S.(MD).No.776 of 1989

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 04.08.2025

CORAM:

THE HON'BLE MR.JUSTICE **K.K.RAMAKRISHNAN**

A.S.No.776 of 1989

and

Cross.Obj.No.208 of 1991

and

CMP(MD)Nos.9346, 9349 and 1630 of 2023

A.S.No.776 of 1989

S.R.Subramaniam (Died)

2. S.P.Vairamani Ammal

3.S.B.R,Savithri Ammal

4.T.L.Lakshmikanthan (Died)

5. S.S.Parimala

6.B.Geetha (Died)

7.R.Nirmala

... Appellants/Defendants 22, 5 and
23 to 27

8.Jayashree

9.S.S.Mahalakshmi

10.S.S.Varshini

... Appellants

(Appellants 8 to 10 are brought on record as LR's of the deceased 1st appellant vide Court order dated 22.07.2022 made in M.P.(MD)No.3 of 2015 in A.S.No.776 of 1989 by PVJ)



A.S.(MD).No.776 of 1989

11.Sripriya

12.Sridevika

(Appellants 11 and 12 are brought on record as LR's of the deceased 4th appellant vide Court order dated 14.07.2025 made in CMP(MD)Nos. 10920 to 10922 of 2025 in AS.No.776 of 1989 by KKRKJ)

13.T.Vijay Bahavan

14.T.Booma Bhagavan

(Appellants 13 and 14 are brought on record as LR's of the deceased 6th appellant vide Court order dated 14.07.2025 made in CMP(MD)Nos. 10917 to 10919 of 2025 in AS.No.776 of 1989 by KKRKJ)

Vs.

1.S.K.Kamalakshi Ammal

2.S.K.Santhi ... Respondents/Plaintiffs 1&2

3.S.L.Padmanaba Iyer (died)

4.Meenakshi Sundareswarar Koil Devasthanam,
Madurai.

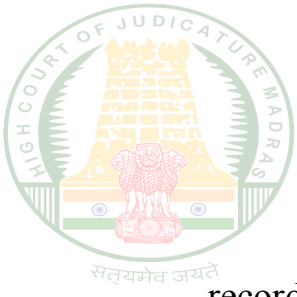
5.The Commissioner,
Hindu Religious and Charitable Endowments Board,
Madurai-625 001.

6.R.B.Krishnamoorthy

7.R.R.Vasudevan

8.R.M.Rathinam

9.M/s.Farook Textiles,
represented by its Partner A.Umar Hasan,
152-A, East Masi Street,
Madurai-625 001.



A.S.(MD).No.776 of 1989

(Memo dated 14.03.2023 filed on 16.03.2023 in USR.No.9647 is recorded, to the effect that issuance of notice to the Respondents 6 and 9 is dispensed with as no specific relief is sought for against them since they are tenants, vide court order dated 04.01.2024 made in AS.No.776 of 1989 by PDBJ)

10.P.C.Velayutham

11.S.S.Dhanalakshmi Ammal (died)

12.R.R.Vasanthi

13.K.G.Vijaya

14.S.S.Subramanian (died)

15.M.S.Prema (died)

16.S.S.Rajendran

17.S.S.Hariharan

18.S.S.Moham

19.S.A.Karuppusamy (died)

20.S.A.Balakrishnan

21.S.N.Mohanram

22.S.B.A.Babusathyam

23.A.S.Vijayalakshmi

24.C.S.Meera

25.M.K.Prema

26.M.R.Krishnamoorthy (died)

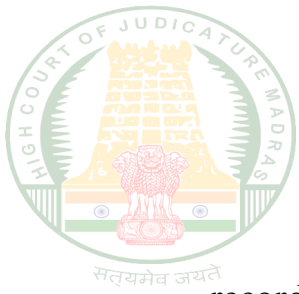
27.M.R.Rajaram (died)

28.M.R.Thulasiram (died)

29.M.R.Mothilal (died)

30.Varadani

3/10



A.S.(MD).No.776 of 1989

(Memo dated 05.10.2023 filed on 06.10.2023 in USR.No.34754 is recorded, to the effect that issuance of notice to the Respondents 7, 8, 10, 22, 23, 24, 25, 30 and 31 is dispensed with as no specific relief is sought for against them vide court order dated 04.01.2024 made in AS.No.776 of 1989 by PDBJ)

31.Sarojini ... Respondents/Defendants 6 to 21
and 28 to 40

32.S.H.Poornima

33.S.M.Shanthi ... Respondents

(Respondents 32 and 33 are brought on record as LR's of the deceased 15th Respondent vide Court order dated 14.07.2025 made in CMP(MD)Nos.10520 to 10523 of 2025 in A.S.No.776 of 1989 by KKRKJ)

Prayer : This Appeal Suit has been filed under Section 96 of C.P.C., against the judgment and decree dated 15.11.1988 passed by the Additional Sub Judge, Madurai, in O.S.No.9 of 1983.

For Appellants : Mr.K.Praveen

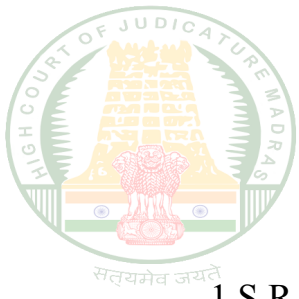
For R5 : Mr.M.Muthumanickam
Government Advocate (Crl.Side)

Cross.Obj.No.208 of 1991

1.S.K.Kamalakshi Ammal

2.S.K.Santhi ... Cross Objectors/Plaintiffs 1&2

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A.S.(MD).No.776 of 1989

Vs.

- 1.S.R.Subramanbiam (died)
- 2.S.P.Vairamaniammal
- 3.S.B.R.Savithri Ammal
- 4.T.L.Lakshmikantham (died)
- 5.S.S.Parimala
- 6.B.Geetha (died)
- 7.R.Nirmala
- 8.R.R.Vasanthi
- 9.K.G.Vijaya
- 10.S.S.Subramanian (died)
- 11.M.S.Prema (died)
- 12.S.S.Rajendran
- 13.S.S.Hariharan
- 14.S.S.Mohan
- 15.S.A.Balakrishnan
- 16.S.N.Mohanram
- 17.S.B.A.Babusathyam
- 18.A.S.Vijayalakshmi
- 19.C.S.Meera
- 20.M.K.Prema
- 21.M.R.Krishnamoorthy
- 22.M.R.Rajaram (died)
- 23.M.R.Thulasiram (died)
- 24.M.R.Mothilal (died)
- 25.Varadani



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26.Sarojini

(R8 to R26 impleaded as per order in C.M.P.No.15534 of 1992 dated 07.02.1992)

27.Jayashree

28.S.S.Mahalakshmi

29.S.S.Varshini

(R27 to R29 are brought on record as LR's of the deceased R1, R30 to R33 as LR's of the deceased R2, vide Court order dated 13.02.2015 made in M.P.Nos.1 to 6 of 2009 in Cross Objection No.208 of 1991 in A.S.No. 776 of 1989)

30.S.P.Sathyamoorthy

31.S.P.santhamoorthy

32.S.P.Sundaramoorthy

33.S.P.Rajamoorthy

34.S.S.Vanaja

35.Babitha

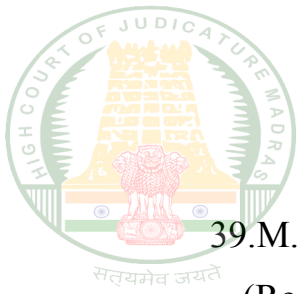
36.Shalee

37.Thilagavathy

(Respondents 34 to 37 are brought on record as LR's of the deceased 10th respondent vide Court order dated 08.02.2022 made in C.M.P. (MD).Nos.812 to 823 of 2017 in Cross Objection No.208 of 1991 in A.S.No.776 of 1989 by RTJ)

38.M.R.Syamala

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39.M.R.Sadanandhan

(Respondents 38 to 39 are brought on record as LR's of the deceased 22nd Respondent vide Court order dated 08.02.022 made in C.M.P. (MD).Nos.812 to 823 of 2017 in Cross Objection No.208 of 1991 in A.S.No.776 of 1989 by RTJ)

40.M.T.Jayamani

41.M.T.Arunkumar

(Respondents 40 and 41 are brought on record as LR's of the deceased 23rd respondent vide Court order dated 08.02.2022 made in C.M.P. (MD).Nos. 812 to 823 of 2017 in Cross Objection No.208 of 1991 in A.S.No.776 of 1989 by RTJ)

42.M.M.Vanaja

43.M.M.Mahalakshmi

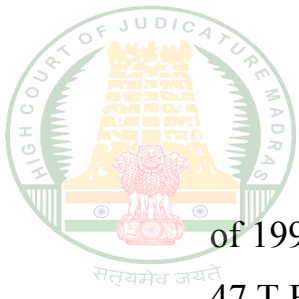
44.R.S.Vijayalakshmi

(Respondents 42 to 44 are brought on record as LR's of the deceased 24th respondent vide Court order dated 08.02.2022 made in C.M.P. (MD).Nos.812 to 823 of 2017 in Cross Objection No.208 of 1991 in A.S.No.776 of 1989 by RTJ)

45.S.Sripriya

46.M.Sridevika

(Respondents 45 & 46 are brought on record as LR's of the deceased 4th Respondent vide Court order dated 14.07.2025 made in C.M.P. (MD).Nos.10985, 10986 and 10988 of 2025 in Cross Objection No.208



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of 1991 in A.S.No.776 of 1989 by KKRKJ)

47.T.Booma Bhagavan

48.T.Vijay Bhawan

(Respondents 47 & 48 are brought on record as LR's of the deceased 6th Respondent vide Court order dated 14.07.2025 made in C.M.P.(MD).Nos.10999, 11001 and 11002 of 2025 in Cross Objection No.208 of 1991 in A.S.No.776 of 1989 by KKRKJ)

49.S.H.Poornia

50.S.M.Shanthi

(Respondents 49 & 50 are brought on record as LR's of the deceased 11th Respondent vide Court order dated 14.07.2025 made in C.M.P.(MD).Nos.10989 to 10991 of 2025 in Cross Objection No.208 of 1991 in A.S.No.776 of 1989 by KKRKJ)

Prayer : This Cross Objection is filed under Order 41 Rule 23 of C.P.C., against the judgment and decree dated 15.11.1988 passed by the Additional Sub Judge, Madurai in O.S.No.9 of 1983.

For Cross Objectors : No Appearance

For Respondents : Mr.K.Praveen

COMMON JUDGMENT

On 02.04.2025, this Court passed the following order:-

“ When the matter was taken up for hearing, it is informed that R4, R6 and R23 died. Hence, both the appellant in the Appeal and in the Cross-Appeal seeks



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time to take steps and also agreed to make submission on the main case.

2. Post this matter on 07.07.2025.”

2. Thereafter, the case was adjourned finally to make submission on merits. However, when the matter came up for hearing today (04.08.2025), steps were not taken for the deceased respondents. It shows that the learned counsel for the appellants is not interested in perusing the matter.

3. In view of the above, the Appeal Suit is dismissed for non-prosecution and the Cross Objection is also dismissed for non-prosecution. Consequently, the connected miscellaneous petitions are closed.

04.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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K.K.RAMAKRISHNAN,J.

dss

To:

1. The Additional Sub Judge,
Madurai.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

A.S.No.776 of 1989
and
Cross.Obj.No.208 of 1991
and
CMP(MD)Nos.9346, 9349 and 1630 of 2023

04.08.2025