



C.S.No.1364 of 1995

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 19.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

C.S.No.1364 of 1995

S.Visalakshi Ammal ... Plaintiff

Vs.

- 1.K.Ayya Thaiyalnayagi Ammal
(since deceased)
- 2.K.Ayya Subramania Mudaliar
(since deceased)
(Recorded as per order in Memo
dated 27.02.2008)
- 3.K.A.Murugappan
- 4.K.A.Velappan
- 5.K.A.Shanmugavel
- 6.M.Kumudavalli Ammal
(since deceased)
(D3 to D6 were recorded as L.R's of
the deceased 1st and 2nd defendants
vide order in Memo dated 27.02.2008)
- 7.Sri Gnanamani Ammal Chatram
Vnnarpettai
- 8.Thirukutralam Thirukutrala Nathaswami
Koil Arthajama Kattalai



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9.Thirukutrala Nathaswami Koil
Tharanipeedam Navarathri
Kunkuma Seva Kattalai

- 10.Thirukutrala Nathaswami Koil Sri Subramania Swami Kanthasashti Vizha and Thirukalyana Mandakappadi
11. Sri Thiripuramtheeswarar Temple Sri Aavudai Amman Arthajamakattalai
12. Sri Thiripuramtheeswarar Temple Thaipoosa Mandakappadi Kattalai
13. Sri Thiripuramtheeswarar Temple Thaitheppa Ursava Kattalai
14. Sri Thiripuramtheeswarar Temple Chitrai and Ippasi Festival Naangamnal Mandakapadi Kattalai
15. Sri Thiripuramtheeswarar Temple Navaraathiri Kattalai
16. Sri Thiripuramtheeswarar Temple Ippasi Thirukalyana Mandakappadi Kattalai
17. Sri Ramaswami Koil Maasi Thiruvizha Aintham and Aaram Naal Mandagappadi Kattalai
18. Sri Ayirathamman Koil Navarathri Kattalai
19. Thiruchendur Sri Subramaniaswami Koil Avanithiruvizha, Maasi Thiruvizha Ezham Naal



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Sri Arumuga Nainar Irandaam Sevai-Vengu Pasha Vellai Sathi
Mandakappadi

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20. Thiruverkadu Sri Vedapureeswarar Temple - Vengu Pasha Attrural Chitra Pournami Mandagappadi
21. Sri Prasanna Vinayagar Temple Park Town, Madras-3 & its sub-temple at Kulathur Sri Agastheeswarar Koil & Sri Akilandeswari Temple Nithia Pooja Kattalai etc., Madras
22. Ayya Subramania Mudaliar Ayya Thaiyalnayagi Ammal Samaya, Ara, Kalvi Nambakkam
23. Dr.V.Muthu Veerappan
24. M.Saraswathi
25. M.Thaiyalnayagi
26. M.Subha
27. M.Senthilnathan
(Defendants 23 to 27 were brought on record as legal heirs of the deceased D6 as per order dated 30.08.2010 in A.No.4405 of 2010)
28. Executive Officer
Arulmigu Thirukutralanathasami Temple, Tenkasi Taluk, Tirunelveli District PIN-627 802.
29. Executive Officer
Thirupuramtheeswarar Thirukoil Sivan Keezha Rathaveethi



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Palayamkottai-607 002
Thirunelveli District.

... Defendants

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(Defendants 28 and 29 were impleaded as per order dated 12.10.2017 in A.Nos. 3087 and 3088 of 2016 and time was extended as per order dated 06.10.2021)

Prayer: Civil Suit filed under Order IV Rule 1 of the O.S Rules read with Order VII Rule 1 Civil Procedure Code, praying to pass the following judgment and decree against the defendants.

- a) to direct the administration of the estates left behind by the deceased Devasenambal Ammal and direct the administration of the estate left behind by late T.M.P.Devasenambal Ammal in accordance with the Will left by an administrator with direction to comply with the necessary formalities and providing for division of all the properties more particularly described in Schedule B and Schedule C into 6 shares and deliver by metes and bounds one share to the plaintiff and allot 1/6th share in the net estate to the plaintiff;
- b) to direct appointment of administrator to administer the estate and value the estate, partition the net estate and more particularly described in Schedules B & C into 6 shares and deliver one share to the plaintiff on the plaintiff paying the necessary court fees on the value of the estate as arrived at by this Court,



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- c) allot the properties more properly described in the schedule A to the plaintiff.
- d) direct the defendants 1, 2 & 4 to render a true and correct account in respect of the properties of the plaintiff
- e) direct the defendants 1, 2 and 4 to pay to the plaintiff such amounts as may be ascertained to be due and payable on such accounting on the plaintiff paying the necessary court fees on the amount found to be due and payable
- f) direct the first and second defendants to render a true and correct account in respect of the charities and pay over the same on payment of necessary court fees.
- g) direct joint possession to the plaintiff in respect of Kattalais and more particularly described in Schedules D to I herein and frame a scheme for the administration of the Kattalais and charities being defendants 7 to 21 with the properties more particularly described in the Schedules D to I herein
- h) direct the appointment of a receiver
- i) direct the appointment of Commissioner
- j) direct the defendants to pay the costs of this suit to the plaintiff
- k) for costs of the suit.



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For Plaintiff : No Appearance

For Defendants : Mr. T.S.Baskaran

for D1 to D3 & D7 to D22

Mr.K.Ashok Kumar for D28 & D29

JUDGMENT

When the matter came up for hearing on 18.10.2023, there was no representation on behalf of the plaintiff and hence the matter was directed to be posted under the caption "for dismissal" on 19.10.2023. Even today (19.10.2023), there is no representation on behalf of the plaintiff either in person or through the counsel on record. Hence, the Civil Suit is dismissed for non-prosecution. No costs.

19.10.2023

Index:Yes/No

Speaking/Non-speaking Order

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