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A No. 5916 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

A No. 5916 of 2025

IN

CS NO. 56 OF 2025

L.Noelraj
S/o.S.Lazar, Amoson Compound,
Bethel Street, Marthandam P O
Kanyakumari District.

Applicant(s)

Vs

Dr.T.Paul Durai Manimozhian and 10
others
S/o.Thomas, 21-157, Muttavilai,
Arumanai, Kanyakumari 629 151.

Respondent(s)

PRAYER: This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Order VII Rule 14 of Code of Civil Procedure read with Order XXIII and Rule 1(3) praying to dismiss C.S. No.56 of 2025 as per the order passed in O.S.A. No.311 of 2025 dated 26.09.2025 and 07.11.2025 with regard to the impugned order passed in C.S. No.150 of 2024 dated 06.12.2024 under change of circumstances as it is infructuous.

For Applicant(s): M/S.P. Padmeshwari

For Respondent: Mr. N.V.N. Margandeyan
[for R1 to R6]

Mr. V.K. Sathiamurthy [for R7]

Set exparte [R8]



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M/s.C.K.M.Appaji
[for R10 and R11]

R9 - died

ORDER

This application has been filed to dismiss the Suit in C.S. No.56 of 2025 as per the order passed in O.S.A. No.311 of 2025 dated 26.09.2025 and 07.11.2025 with regard to the order passed in C.S. No.150 of 2024 dated 06.12.2024 due to change of circumstances.

2. According to the applicant, he is the 3rd defendant in the main Suit and the President of Thiruvidadancore Siddha Vaidhya Sangam, Munichiram, Pudukadai Post, Kanyakumari District. The Plaintiffs have filed the Suit for framing a Scheme of Administration and Management of the Akila Thiruvithancore Siddha Vaidhya Sangam, Munchirai and for permanent injunction against the 3rd defendant / applicant. Already this Court has passed an order dated 06.12.2024 to club the matter along with C.S. No.150 of 2024 and the Suit pending in O.S.No.131 of 2024 on the file of the I Additional District Court, Kuzhithurai was transferred and re-numbered as C.S. No.56 of 2025. As per the order passed by this Court in O.A. No.487 of 2006 and A. Nos.3146 to 3148 of 2006 in C.S. No.752 of 2005 on 20.06.2006, an interim Administrator was appointed and as per the order passed by the Hon'ble Division Bench of this Court in O.S.A. No.311 of 2025 dated 26.09.2025, the



appointment of an Interim Administrator was revoked and the same was challenged through an appeal in S.L.P. (Diary) No.60176 of 2025 and the same was also dismissed as 'withdrawn'. Therefore, the pending Suit in C.S. No.56 of 2025 has become infructuous and the Suit is liable to be dismissed due to change of circumstances.

3. The respondents have denied the averments made in the application and according to the respondents, the Plaintiffs have filed the Suit for framing a Scheme of Administration and Management of the Akila Thiruvithancore Siddha Vaidhya Sangam, Munchirai and for permanent injunction restraining the 3rd and 4th defendants and their men, agents and servants restraining them not to interfere in any manner with the Plaintiffs' Sangam and its College and the Hospital. The Plaintiffs are not the parties to the Suit in C.S. No.150 of 2024 and in the order passed by the Hon'ble Division Bench of this Court in O.S.A. No.311 of 2025 dated 26.09.2025, the Plaintiffs are not the parties. The Plaintiffs have filed the Suit in C.S. No.56 of 2025 and the prayer is not in respect of the Administrator appointed by this Court and therefore, the order passed by the Hon'ble Division Bench of this Court relieving the Administrator, no way would affect this case and they are triable issues. Therefore, the Suit cannot be dismissed and the application is liable to be dismissed.

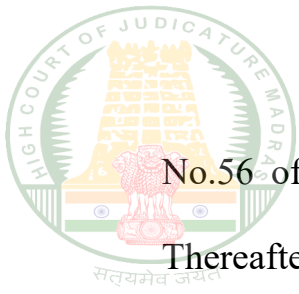


4. This Court heard both sides and perused the entire materials available on record.

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5. According to the applicant, in view of the order passed by the Hon'ble Division Bench of this Court in O.S.A. No.311 of 2025 dated 26.09.2025, the relieves sought for in the Suit have become infructuous and therefore, the Suit is liable to be dismissed. According to the respondents, the respondents / Plaintiffs are not the parties to the said proceedings in O.S.A. No.311 of 2025 and in that appeal, the Administrator was relieved from his charge and that order will no way affect the prayers sought for in this Suit, since the Suit is filed under Section 92 of Code of Civil Procedure for framing a Scheme of Administration and Management of the Akila Thiruvithancore Siddha Vaidhya Sangam, Munchirai.

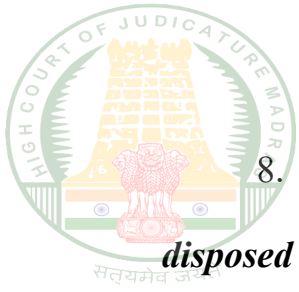
6. This Court also perused the records. On a perusal of records, it is observed that the Suit in O.S. No.131 of 2024 has been originally filed before the Principal District Court of Kanyakumari at Nagercoil and it was transferred to the I Additional District Court, Kuzhithurai. During the pendency of the Suit, an another Suit has been filed in C.S. No.150 of 2024 before this Court. During the pendency of the said Suit, this Court passed an order dated 06.12.2024, based on the said order, the Suit in O.S. No.131 of 2024 was transferred from the file of the I Additional District Court, Kuzhithurai and re-numbered as C.S.



No.56 of 2025 to try along with the pending Suit in C.S. No.150 of 2024.

Thereafter, the said Suit in C.S. No.150 of 2024 was withdrawn and therefore, the said Suit was dismissed as 'withdrawn'. In view of the same, this court already ordered to re-transfer the suit in C.S. No.56 of 2025 to the file of Principal District Court, Kanyakumari for disposal in accordance with law.

7. The main contention of the applicant is that in view of the order passed by the Hon'ble Division Bench of this Court in O.S.A. No.311 of 2025 dated 26.09.2025, the Suit prayers have become infructuous. The Suit has been filed for framing a Scheme of Administration and the order passed by the Hon'ble Division Bench of this Court in O.S.A. No.311 of 2025 is in respect of removing the Administrator. In the present Suit, there is no any specific prayer sought for as against the Administrator and as rightly contended by the learned counsel appearing for the respondents / Plaintiffs that they are not the parties to the appeal in O.S.A. No.311 of 2025 and therefore, the judgment passed in O.S.A. No.311 of 2025 will not affect the present Suit in respect of framing a Scheme. As far as the permanent injunction prayer is concerned, already the Management of the college was handed over to the 3rd defendant. Therefore, in respect of that prayer, the Suit becomes 'infructuous'. However, the prayer for a decree for framing a Scheme of Administration and Management of the Akila Thiruvithancore Siddha Vaidhya Sangam, Munchirai is still maintainable and therefore, the Suit cannot be dismissed and there are triable issues.



8. In view of the above discussions and observations, this application is

disposed of.

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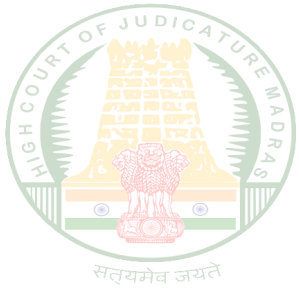
mjs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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P.DHANABAL J.

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