

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

Second Appeal No.1513 of 2007

Kalimuthu Gounder
S/o Krishnasamy Gounder

...Appellant/
Plaintiff

-vs-

Balamani @ Balasubbulakshmi
W/o late Arumugha Gounder

...Respondent/
Defendant

Memorandum of Grounds of Second Appeal under Section 100 of the Civil Procedure Code, against the judgment and decree dated 18.9.2006 made in A.S.No.143 of 2005 passed by the learned Principal District Judge, Coimbatore, reversing the judgment and decree dated 29.8.2005 made in O.S.No.127 of 2004 passed by the learned Subordinate Judge, Pollachi.

For Appellant : Mr.R.Kannan

For Respondent : Mr.N.Damodaran

JUDGMENT

The learned counsel for the respondent has filed a memo dated 12.8.2015 informing the Court that Kalimuthu Gounder, the sole appellant died on 4.12.2010. The learned counsel for the appellant does not dispute the fact revealed by the memo. Steps for impleading the legal representatives had not been taken in time and the second appeal was allowed to abate. Till date, no petition to set aside the abatement and condone the delay in filing such a petition and a petition to implead the legal representatives of the deceased appellant came to be filed. Hence this Court records the abatement

caused by the death of the sole appellant Kalimuthu Gounder and disposes of the second appeal as abated. Consequently, M.P.No.1 of 2007 is closed. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

ss

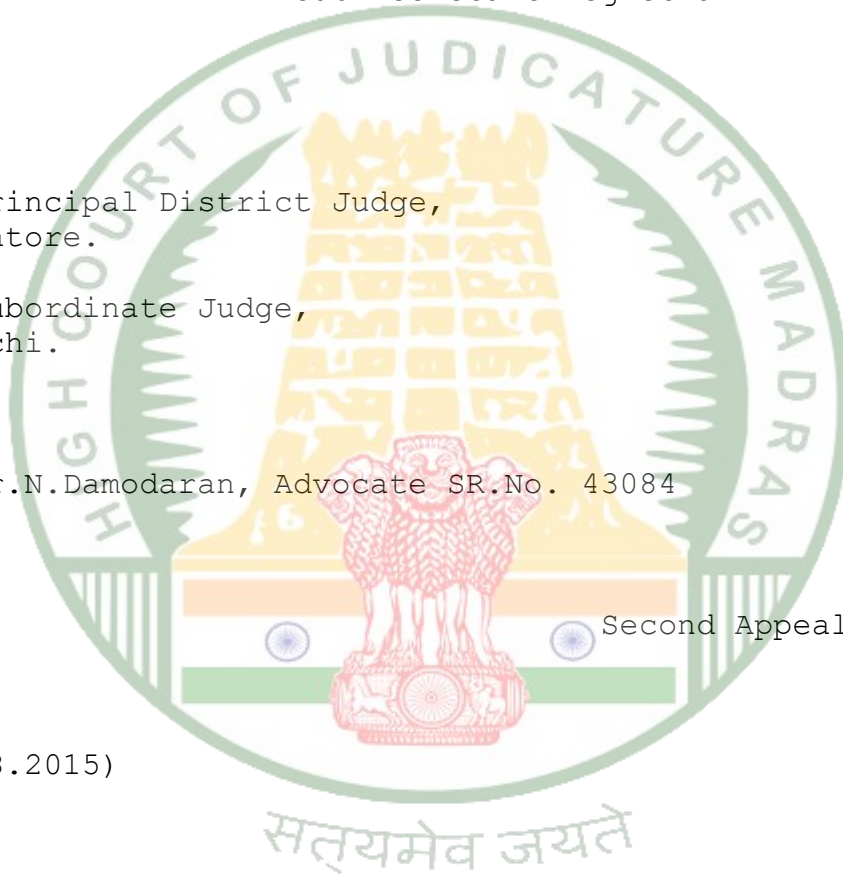
To

1. The Principal District Judge,
Coimbatore.
2. The Subordinate Judge,
Pollachi.

1 CC to Mr.N.Damodaran, Advocate SR.No. 43084

Second Appeal No.1513 of 2007

MP (CO)
PSI (27.08.2015)



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