

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2015

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

S.A.No.1437 of 2004

P.Mahadevan

.. Appellant/Respondent/Plaintiff

-Vs-

P.Venu

.. Respondent/Appellant/Defendant

Second Appeal filed under section 100 of C.P.C against the judgment and decree made in A.S.No.6 of 2002 dated 22.04.2002 on the file of the Additional District Judge (FTC), Tirupattur, Vellore District reversing the judgment and decree in O.S.No.499 of 1996 dated 27.03.1998 on the file of the Principal District Munsif Court, Ambur.

For Appellant : Mr.P.S.Kothandaraman

For Respondent : Mr.K.R.A.Muthukrishnan

JUDGMENT

A memo dated 09.07.2015 informing that the sole respondent P.Venu died on 19.11.2010 was filed by the respondent. The same was taken on file on the same day. Copies of Death Certificate and Legal Heirship Certificate had also been annexed to the said memo.

2. The learned counsel for the appellant, who took time for verification and for taking necessary steps has filed a memo dated 17.08.2015 stating that the appellant was contacted through their letter dated 20.07.2015 and the counsel has not received any instructions from the appellant. Of course, the learned counsel for the appellant wants to report "no instruction". But, the fact remains that by operation of law, the second appeal stands abated on the expiry of the time prescribed for taking steps to bring the legal representatives of the deceased sole respondent on record. Such abatement took place in February 2011 itself.

3. Hence, the second appeal is disposed of recording the abatement caused by the death of the sole respondent.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

gpa
To

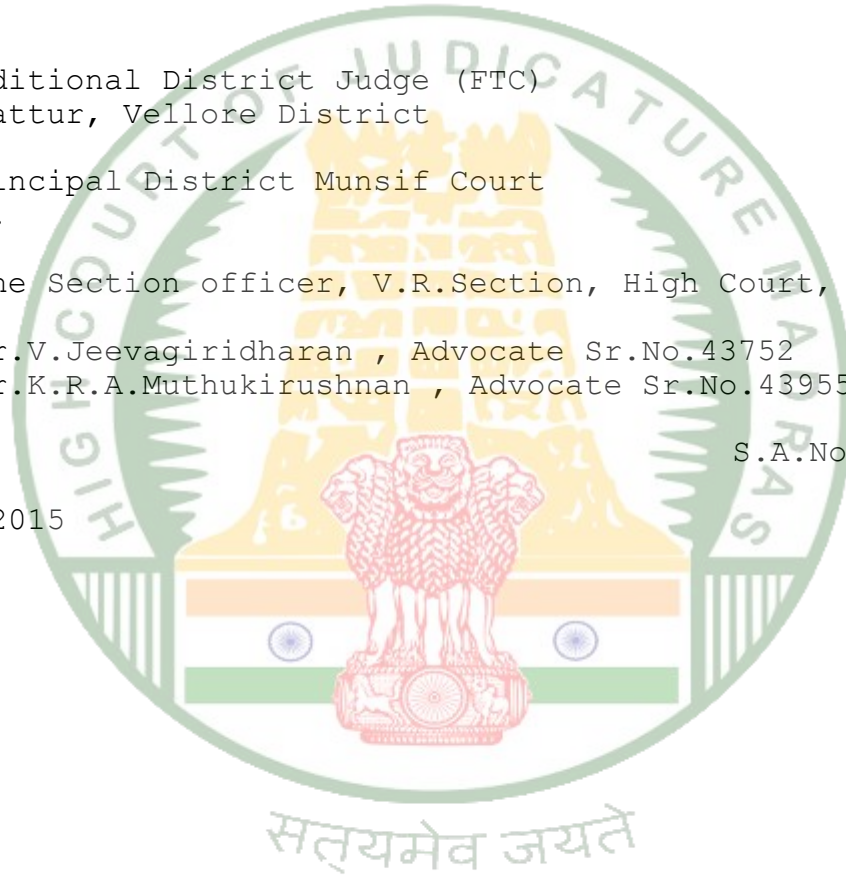
1. The Additional District Judge (FTC)
Tirupattur, Vellore District
2. The Principal District Munsif Court
Ambur.

Copy to: The Section officer, V.R. Section, High Court, Madras-104.

- 1 cc to Mr.V.Jeevagiridharan , Advocate Sr.No.43752
1 cc to Mr.K.R.A.Muthukirushnan , Advocate Sr.No.43955

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rj(co)
pmk.10.9.2015



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