

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-09-2015

CORAM:

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

SECOND APPEAL No.1891 of 2002

P.D.Ponnusamy

...Appellant/5th Defendant

vs.

1. P.Pachaiappan ...1st Respondent/Plaintiff
2. The Assistant Engineer,
O & M Tamil Nadu Electricity Board,
Tirupattur.
3. The Assistant Divisional Engineer Maintenance,
Tamil Nadu Electricity Board,
Tirupattur.
4. The Divisional Engineer Maintenance,
Tamil Nadu Electricity Board,
Tirupattur. ...Respondents 2 to 4/Defendants 1 to 3

Second Appeal is preferred under Section 100 CPC against the judgment and decree of the learned Subordinate Judge's Court at Tirupattur, dated 12.7.2002 in A.S.No.7 of 1998, reversing the well considered judgment and decree of the learned District Munsif Court at Tirupattur, dated 30.9.1997 in O.S.No.913 of 1989.

For Appellant : Mr.V.Raghavachari
For Respondent-1 : Mr.A.Sivaji
For Respondent-2 to 4 : Mr.N.Muthuswami

J U D G M E N T

The first respondent has filed a memo informing that the sole appellant P.D.Ponnusamy died on 28.4.2013 itself. Prior notice was served on the counsel for the appellant. The learned counsel for the appellant who took time on the previous date of hearing to

ascertain the date of death and other particulars, pleads inability to get the particulars. However, the first respondent has produced copies of the Death Certificate and also the Legal Heirship Certificate.

2. From the Death Certificate, it is obvious that P.D.Ponnusamy, the sole appellant, died on 28.4.2013. From the copy of the Legal Heirship Certificate, it is obvious that none of the legal heirs of the deceased appellant is there on record in the Second Appeal in any other capacity. Hence, the Second Appeal stands abated. The Second Appeal is disposed of, recording the abatement caused by the death of the sole appellant. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Subordinate Judge,
Tirupattur.
2. The District Munsif,
Tirupattur.

Copy to

The Section Officer,
V.R.Section,
High Court, Madras.

1 CC to Mr.V.Raghavachari, Advocate SR.No. 48720

1 CC to Mr.A.Sivaji, Advocate SR.No. 48713

S.A.No.1891 of 2002

VD (CO)
PSI (08.10.2015)