

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2015

CORAM

THE HONOURABLE MS. JUSTICE R.MALA

S.A.Nos.278 and 279 of 2004

S.A.No.278 of 2004

Raju ...Appellant/Respondent/Plaintiff

Vs

1.Sundaram (deceased)

2.Kannan ...Respondents/Defendants/Appellants

[Appellant exempted from bringing the Lrs of the deceased R1 vide order of court dated 06.07.2012 made in memo filed before court in S.A.No.278 of 2004]

(No legal heirs need to be impleaded for the deceased R1 and S.A.No.278/2004 is dismissed as abated as against R1 vide order dt.18.12.2013 made in S.A.No.278 of 2004)

Prayer: Second appeal filed under Section 100 of CPC against the Judgment and Decree dated 31.03.2003 in A.S.No.66 of 2002 on the file of the Additional Subordinate Court, Mayiladuthurai reversing the Judgment and Decree dated 19.06.2002 made in O.S.No.906 of 1998 on the file of the Additional District Munsif Court, Mayiladuthurai.

For Appellant : Mr.A.Muthukumar

For Respondents : Mr.S.Sounthar (for R2)
R1-Dismissed as abated vide order dated 18.12.2013 made in S.A.No.278 of 2004

S.A.No.279 of 2004

Kosagan

...Appellant/Respondent/Defendant

Vs

Kannan

...Respondent/Appellant/Plaintiff

Prayer: Second appeal filed under Section 100 of CPC against the Judgment and Decree dated 31.03.2003 in A.S.No.67 of 2002 on the file of the Additional Subordinate Court, Mayiladuthurai reversing the Judgment and Decree dated 19.06.2002 made in O.S.No.854 of 1998 on the file of the Additional District Munsif Court, Mayiladuthurai.

For Appellant : Mr.A.Muthukumar

For Respondent : Mr.S.Sounthar

COMMON JUDGMENT

Mr.A.Muthukumar, learned counsel appearing for the appellant in both the second appeals and Mr.S.Sounthar, learned counsel appearing for the second respondent in S.A.No.278/2004 and sole respondent in S.A.No.279/2004 respectively, submitted that the second respondent/respondent, namely, Kannan died on 29.07.2012.

2.Recording the submissions made by both the counsel and since no steps have been taken for impleading the legal representatives of the said Kannan, second respondent in S.A.No.278/2004 and sole respondent in S.A.No.279/2004 respectively, these Second Appeals are dismissed as abated. No costs.

Sd/- सत्यमेव जयते
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cse

To

1. The Additional Subordinate Judge,
The Additional Subordinate Court,
Mayiladuthurai.
2. The Additional District Munsif,
The Additional District Munsif Court,
Mayiladuthurai.
3. The Record Keeper,
V.R.Section, High Court, Chennai.

1 CC to Mr.S.Sounthar, Advocate SR.No. 30154

S.A.Nos.278 and 279 of 2004

EV (CO)
PSI (01.07.2015)



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