

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

S.A. No.244 of 1985

Muthu Gounder

... Appellant/Plaintiff

Vs.

1.Poosari alias Palaniappan
2.Kuppan
3.Muthu
4.Annamalai
5.Nanja Gounder

... Respondents/Defendants

PRAYER : Second Appeal filed under Section 100 of Civil Procedure Code against the Judgment and decree dated 9th day of August 1984 in A.S.No.17 of 1984 on the file of the District Court, Salem preferred against the Judgment and decree dated 28th day of June 1983 in O.S.No.107 of 1982 on the file of the District Munsif's Court of Mettur.

For Appellant : No appearance

For Respondents : Mr.A.Sivaji for R2

J U D G M E N T

The suit for injunction was dismissed by the trial Court and confirmed by the first Appellate Court on Second Appeal it was reversed by this Court. Challenging the same, the first respondent has filed Civil Appeal before the Hon'ble Supreme Court. However, when the matter was taken up for hearing by the Hon'ble Supreme Court, it was remanded back to this Court to reconsider the question of law formulated at the time of admission of the Second Appeal regarding title.

2. When the matter was taken up for final disposal on 01.04.2016, it was revealed by the learned counsel for the second respondent that the respondents 1,3,4 and 5 died. Subsequently, this Court, by an Order dated 04.04.2010 has directed the Registry to serve notice to the appellant and list the matter for disposal on 22.04.2016.

3. Accordingly, the notice was sent to the appellant by Registered Post with Acknowledgment Due (RPAD) and the Postal Department has returned the cover with an endorsement "party expired". Hence, the name of the sole appellant was printed in the cause list, today. There is no representation for the appellant through his legal heirs. Hence, the Second Appeal is dismissed as abated. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The District Judge,
Salem.
2. The District Munsif,
Mettur.

Copy To

The Record Keeper,
V.R.Section,
High Court, Madras.

+1cc to Mr.A.Sivaji, Advocate, S.R.No.66556

AK(CO)
CA(15/12/2016)

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