

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.11.2016
CORAM :
THE HONOURABLE Dr. JUSTICE G. JAYACHANDRAN
SA.No.1676 of 1993
and CMP.No.642 of 2009

1. Vaiyapuri Padayachi (died)
2.Vishalakshi Ammal
(2nd appellant brought on record as the legal representative
of the deceased sole appellant vide order dt.23.07.1996
in CMP.Nos.18695 and 18696 of 1995)

.. Appellant

Vs.

1.Veerasamy
2.Govindammal
3.Lakshmi
4.Malarkodi
5.Tamilselvi
6.Minor Danavel
7.Minor Nehru
8.Minor Elavarasu
Minors 6 to 8 represented by Court Guardian
Advocate Mr.Francis Xavier, DMC, Jayamkondam

... Respondents

Second Appeal is filed under Section 100 of C.P.C. against
the judgment and decree dated 19.11.1992 made in AS.No.152 of
1989 on the file of the Subordinate Judge, Ariyalur reversing
the judgment dated 27.02.1989 made in OS.No.179 of 1988 on the
file of the District Munsif, Jayamkondam.

For Appellant : Mr.J.Ramakrishnan
for Sarvabhauman Associates

For Respondents : Given up
सत्यमेव जयते

JUDGMENT

Today, when the matter was posted under the caption "for
dismissal", the learned counsel for the appellant represented
and sought some more time to bring the legal representatives of
the sole appellant.

2.The perusal of records would reveal that as early as on
02.04.2013, the counsel has informed this Court that the sole
appellant died and he needs time to take steps. Again, the
matter was listed on 01.11.2016, there is no representation on

behalf of the appellant and directed to be posted today under the caption "for dismissal".

3.Mr.J.Ramakrishnan, learned counsel appearing for the appellant seeks time for taking steps. This Court finds, no bonafide reason to grant any further time and since, the sole appellant died as early as on 02.04.2013, already more than three years have been lapsed and the appeal has been abated long back.

4.In view of the above, the second appeal stands dismissed as abated. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Subordinate Judge, Ariyalur.
2. The District Munsif, Jayamkondam.

+1 cc to M/s.Sarvabhauman Associates vide sr 62362

SA.No.1676 of 1993

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aa23/11/2016

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