

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2017

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

S.A.No. 1344 of 1997

1. Govindarajan Pillai
2. Rathinam Pillai

...Appellants/Respondents/
Plaintiff

Harikrishnan

Vs.

...Respondent/Appellant/
Defendant

Prayer:- This Second Appeal is filed under Section 100 of Civil Procedure Code against the judgment and decree dated 26.04.1996 made in A.S.No.121 of 1994 on the file of Subordinate Judge, Mayiladuthurai reversing the well considered judgment and decree dated 31.10.1994 made in O.S.No.338 of 1987 on the file of District Munsif Court, Sirkali.

For Appellants : Mr.A.Muthukumar

For Respondent : Mr.G.Harikrishna

JUDGMENT

The learned counsel for the appellants submitted that the second appellant died pending appeal about three years ago and he is not in a position to find out the legal representatives of the deceased second appellant and brought them on record. Since the decree is indivisible decree, due death of one appellant the appeal got abated.

He has also requested this Court to record the same and pass orders.

2. The facts of the case reveals that the suit has been dismissed by the first appellate Court against the appellants herein on the ground the defendant has perfected title by adverse possession. Though the second appeal has been preferred against the dismissal of the suit, the party interested viz., the first appellant has not furnished the information about the legal representatives of the deceased second appellant.

3. Hence the appeal is dismissed as abated. No order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rts

To

1. The Subordinate Judge,
Mayiladuthurai
2. The District Munsif Court, Sirkali.

Copy to

Section Officer,
V.R.Section,
High Court, Madras-104.

EV (CO)
RS (14/02/2017)

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