

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2017

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

S.A.No. 1293 of 1995

C.M.P.No.13174 of 1995

Nalluswamy Gounder ...Appellant/Plaintiff

Vs.

1. Chellathambi

2. Nallu Chettiar

...Respondents/Defendants

Prayer:- This Second Appeal is filed under Section 100 of Civil Procedure Code against the judgement and decree in A.S.No.109 of 1992 dated 19.08.1994 on the file of the learned First Additional District Court, Trichy reversing the well considered decree and judgment in O.S.No.543 of 1986 dated 29.03.1990 on the file of the learned District Munsiff Court, Perambalur, Trichy District.

For Appellant : Mr.J.Saravanavel

For Respondents : Mr.R.Siddharth for
Mr.T.R.Rajaraman for R1

JUDGMENT

The learned counsel for the appellant submits that the second respondent died long back and there is no response from the appellant in spite of informing him to take necessary steps to bring the legal representatives of the deceased second respondent. The suit is for declaration and permanent injunction. Since the decree is indivisible decree, on the death of second respondent, the matter is abated.

2. Therefore, the second appeal is dismissed as abated.
Consequently, connected miscellaneous petition is also closed.
No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

rts

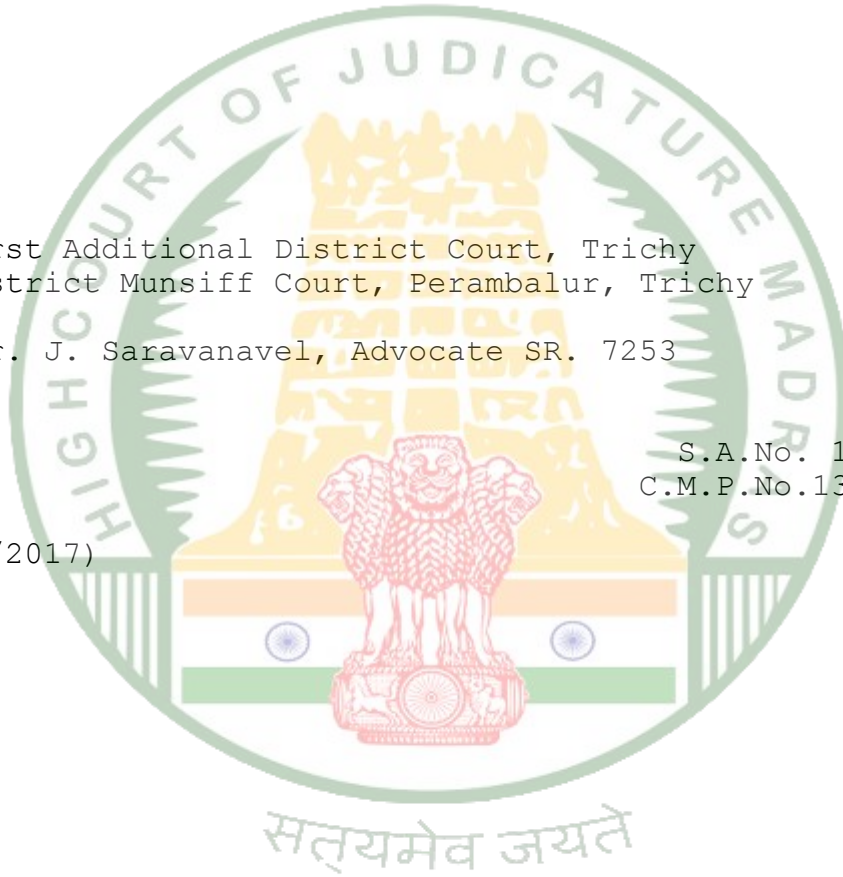
To

1. The First Additional District Court, Trichy
2. The District Munsiff Court, Perambalur, Trichy

+1cc to Mr. J. Saravanavel, Advocate SR. 7253

NM(CO)
VR (13/02/2017)

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