

IN THE HIGH COURT JUDICATURE AT MADRAS

Dated 04.08.2017

Coram

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Second Appeal No.1835 of 1999

1.Manomani
2.Muthusamy Mudaliar .. Appellants/Appellants/
Defendants 1&2

/versus/

1.Karuppiah
2.Ramasamy
3.Ambujammal ..Respondents 1to3/respondents/
Plaintiffs

4.Kasiammal ..4th Respondent/4th Respondent/
3rd Defendant

Second Appeal is filed under Section 100 of the Code of Civil Procedure against the judgment and decree dated 08.07.1999 made in A.S.No.64 of 1993 on the file of the Subordinate Judge, Ariyalur confirming the judgment and decree dated 25.11.1992 made in O.S.No.153 of 1992 on the file of the Additional District Munsif Court, Ariyalur.

For Appellants :Mr.K.S.Navin Balaji for
M/s Sarvabhuman Associates

For Respondents:No appearance for R1 to R3
R4-Notice Dispense with

J U D G M E N T

The suit filed for declaration and injunction was allowed in favour of the plaintiffs and the same has been confirmed by the lower appellate Court. Hence, the Second Appeal is filed by the aggrieved defendants 1 and 2.

2. It is reported that the second appellant, who is the real contesting party died and there is no instruction neither the first appellant nor the legal heirs of the deceased 2nd appellant. The matter has been kept pending for taking necessary steps for the past few years and adjourned time to time. Since the learned counsel appearing for the appellants is

not in a position to get instruction from the appellants to bring on record the legal heirs of the deceased 2nd appellant, this Court has no other option except to dismiss the second appeal. Accordingly, this Second Appeal is dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

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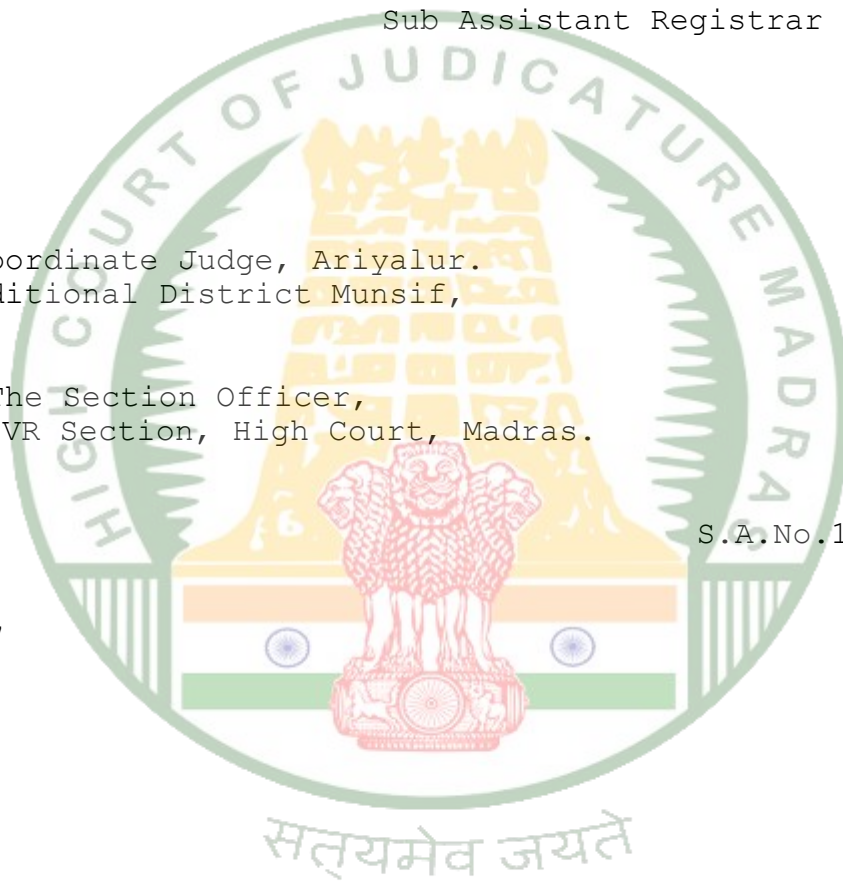
To

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

Copy to: The Section Officer,
VR Section, High Court, Madras.

S.A.No.1835 of 1999

GJII(CO)
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