

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

THE HON'BLE MR.JUSTICE M.SUNDAR

S.A.NO.284 of 2008 and

M.P.No.1 of 2008

Maideen Batcha ...Appellant/Appellant/Plaintiff
-vs-

1. Hussain Sahib @ Raju
2. Kasim
3. Janma
4. Rasool
5.Akbar

..Respondents/Respondents/Defendants

Second Appeal is filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 30.10.2006 passed in A.S.No.18 of 2006 on the file of the Additional District Judge, Fast Track Court No.IV, Bhavani, confirming the judgment and decree dated 02.06.2004 made in O.S.No.758 of 1993 on the file of the Principal District Munsif, Bhavani.

For Appellant : Ms.Jebitha for
Mr.Rajesh

For Respondents : Mr. V. Vijayakumar

J U D G M E N T

This Second Appeal is directed against the judgment and decree dated 30.10.2006 passed in A.S.No.18 of 2006 on the file of the Additional District Judge, Fast Track Court No.IV, Bhavani, confirming the judgment and decree dated 02.06.2004 made in O.S.No.758 of 1993 on the file of the Principal District Munsif, Bhavani.

2. For the sake convenience, I am referring to the parties by their names also.

3. A suit in O.S.No.28 of 1994 on the file of Additional District Munsif Court, Bhavani was filed by one Maideen Batcha Inter-alia with a prayer that the Local Body namely Bhavani Town Panchayat should not levy or collect taxes from one Janma (Wife of late Sathar Sahib) regarding a particular property. The suit travelled to this Court via A.S.No.66 of 1998 to the file of the Subordinate Judge, Bhavani and is now S.A.No.570 of 1999 before me.

4. The above said Maideen Batcha also filed a suit against the above said Janma and 4 other being suit in OS.No.758 of 1993 on the file District Munsif Court, Bhavani. This suit is for declaration of title to the above said immovable property and consequential reliefs. This suit travelled to this Court via AS.No.18 of 2006 on the file of the file of the Additional District Judge, (Fast Track Court No.IV) Bhavani and is now Second Appeal No.284 of 2008 before me.

5. Ms.Jebitha and Mr.V. Rajesh, learned counsel are present for appellant and Mr.V.Vijayakumar, learned counsel is present on behalf of all the five respondents.

6. It is now represented by Ms.Jebitha, learned counsel that their client Maideen Batcha is no more. It is also further submitted that the legal heirs of Maideen Batcha are not interested in stepping into his shoes and pursuing the matter. Therefore, the resultant position is as set out infra in the next paragraph.

7. The sole appellant is no more, the legal representatives who have not come on record are not interested in coming on record and pursuing the matter. Hence, the Second Appeal is dismissed as abated. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Additional District Judge, Fast Track Court No.IV, Bhavani,
2. The Principal District Munsif, Bhavani.
3. The Section Officer,
V.R.Section.

sk(CO)
md(03/04/2017)

S.A.NO.284 of 2008