

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

S.A.No.18 of 2012
and
MP.No.1 of 2012

P.Krishnan (Died)

... Appellant

-Vs-

1. Janakiammal

2. Kuppammal

3. Valliyammal

4. Sarojammal

5. Seethammal

... Respondents

Prayer : This Second Appeal is filed under Section 100 of C.P.C., against the Judgment and decree in A.S.No.12 of 2010 dated 27.10.2010 on the file of learned Sub-Ordinate Court, Gudiyatham, Vellore District, which was passed confirming the judgement and decree in O.S.No.409 of 1992 dated 27.01.2010 on the file of District Munsif Court at Gudiyatham.

For Appellant : Mr.B.Sundarapandian

For Respondent : No appearance for R1

Mr.B.Gopala Krishnan for R2 to R5

J U D G M E N T

The appellant has filed this Second Appeal to set aside the Judgment and decree in A.S.No.12 of 2010 dated 27.10.2010 on the file of learned Sub-Ordinate Court, Gudiyatham, Vellore District, passed confirming the judgement and decree in O.S.No.409 of 1992 dated 27.01.2010 by the District Munsif Court at Gudiyatham.

2. On 13.07.2017, when the matter was taken up for hearing before this Court, the learned counsel for the appellant had submitted that the appellant had died and sought time for taking steps to bring the legal heirs of the deceased appellant on record. Hence, the Second Appeal was adjourned to 28.07.2017 and again at the request of the learned counsel for the appellant the matter was adjourned to 18.08.2017. On that day also further time was requested and so the appeal was adjourned to 07.09.2017 and again to 05.10.2017.

3. Today, when the matter is taken up for final disposal, Mr.B.Sundara Pandiyan, the learned counsel for the appellant submitted that he is not in a position to contact neither the legal heirs

of the deceased appellant and nor the counsel who appeared for the appellant before the trial Court.

4. In view of the above said submission made by the learned counsel for the appellant and since no steps have been taken to bring the legal heirs of the deceased appellant on record, this Second Appeal is dismissed as abated. Consequently, Connected Miscellaneous petition is closed. No costs.

05.10.2017

Index:Yes/No

rli/avr

To

1. The Sub-Ordinate Court,
Gudiyatham,
Vellore District.
2. The District Munsif Court,
Gudiyatham.

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D.KRISHNA KUMAR,J

rli/avr



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