

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

S.A.Nos.807 and 808 of 2015
and
MP.Nos.1 & 1 of 2015

Hussain Mohamed (died)
1) Halima Bi
2) Jarina
3) Abdul Jali
4) Rajina
5) Mohamed Rafiq
6) Buhari

... Appellants in both cases/
Respondents 2 to 7 in 807/15
Respondents 1 & 3 to 7 in 808/15

-Vs-

Rahamathunnissa @ Nisha

... Respondent in both cases/
Appellant/Defendant

Prayer : These Second Appeals have been filed under Section 100 of C.P.C., against the common Judgment and Decree of the learned II Additional District Judge, Chidambaram dated 31.10.2014 passed in A.S.Nos.15 and 16 of 2011 partly allowing the appeals, setting aside the judgment and decree of the learned Principal District Munsif, Chidambaram dated 27.02.2004 passed in O.S.Nos.385 of 1998 and 825 of 1994 respectively.

For Appellants : Mr.R.Gururaj
For Respondent : Mr. A.Muthu Kumar
for sole respondent

J U D G M E N T

The appellants have filed these Second Appeals to set aside the common Judgment and Decree passed by the learned II Additional District Judge, Chidambaram dated 31.10.2014 in A.S.Nos.15 and 16 of 2011 partly allowing the appeals, setting aside the judgment and decree of the learned Principal District Munsif, Chidambaram dated 27.02.2004 passed in O.S.Nos.385 of 1998 and 825 of 1994 respectively.

2. Today, when the matter was taken up for final disposal, the learned counsel for the appellant submitted that the sole respondent died on 20.09.2016 and so he sought time for taking steps to bring the legal heirs of the sole respondent on record.

3. The learned counsel for the respondent strongly objected the same stating that the respondent died as early as 20.09.2016 and when the matter was posted before the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras on 19.10.2016, the said fact was not reported though the appellant had the knowledge of the death of the respondent. During the previous hearing, when the matter came up for final hearing before this court on 20.07.2017, the learned counsel for the appellant sought time to take steps to bring the legal heirs on record. Hence, the matter was posted today. But today also, the appellant seeks time to bring the legal heirs on record.

4. Since, no steps have been taken by the appellants so far, to bring the legal heirs on record, both the second appeals are dismissed as abated. Consequently, Connected Miscellaneous petitions are closed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

vv/avr

To

1. The II Additional District Judge,
Chidambaram
2. The Principal District Munsif,
Chidambaram

+lcc to Mr.RF.Gururaj, Advocate Sr. 55762
+lcc to Mr.A.Muthukumar, Advocate Sr. 56371

S.A.Nos.807 and 808 of 2015
and
MP.Nos.1 & 1 of 2015

GJII (CO)
VR(31/8/2017)