

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

S.A.No.205 of 2011

1. Amirtham
2. Ponnammal
3. Perambayi

... Appellants

Vs.

1. Mulaviammal
2. Jayalakshmi
3. Rajeswari
4. Manju
5. Thilakavathi
6. Arumugam
7. Samundi
8. Perama Mooppar
9. Kannan
10. Rajendran, S/o Pachaimuthu
11. Rajendran, S/o Munusamy

(Notice to respondents 6 to 8, 10 and 11 may be dispensed with, as respondents 6 to 8 and 10 were deleted by appellate Court and 11th respondent remained ex-parte)

... Respondents

Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 21.12.2009 in A.S.No.38 of 2008 on the file of the Principal District Court, Villupuram, against the judgment and decree dated 12.04.2007 in O.S.No.46 of 2004 on the file of the Sub-Court, Kallakurichi.

For appellant : Mr.J.Antony Jesus

For respondent : Mr.S.Sounthar for RR-1 to 4

No appearance for RR-5 and 9

RR-6 to 8 and 10 - notice
dispensed with

R-11 ex-parte before Court below

JUDGMENT

It is stated by the learned counsel for the appellants by filing Memo, dated 10.11.2016 that the first and second appellants are no more and that he has been taking steps to bring their legal representatives on record, but unable to contact the legal heirs and hence, he prayed that the Court may pass appropriate orders taking note of the above circumstances. As no legal heirs with respect to the deceased appellants 1 and 2 contacted the learned counsel for the appellants, they could not be brought on record. Therefore, the Second Appeal is dismissed as abated as against the appellants 1 and 2. No costs.

2. List the Second Appeal in the usual course for hearing, as far as the third appellant is concerned.

-s/d-
Assistant Registrar(CSVII)

True Copy

Sub-Assistant Registrar

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Copy to

1. The District Judge, Villupuram.
2. The Sub-Judge, Kallakurichi.
3. The Record Keeper, V.R. Section,
High Court, Madras.

S.A.No.205 of 2011

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