

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.M.S.A.Nos.11 of 2003 and 12 of 2003

R.Natarajan .. Appellant in both C.M.S.As

-Vs.-

S.Kasturi ...Respondent in both C.M.S.As

Civil Miscellaneous Second Appeals filed under order 42 Rule 1 C.P.C read with 100 C.P.C against the judgment and decree dated 10.10.2002 in C.M.A.No.20 of 2001 and C.M.S.A.No.19 of 2001 on the file of the Additional District Judge cum Chief Judicial Magistrate, Cuddalore reversing the fair and decretal orders in H.M.O.P.No.6 of 1999 dated 13.02.2001 on the file of the Principal Sub Court, Cuddalore.

For Appellant	... Mr.S.Subbaiah
in both C.M.S.As	
For Respondent	
in both C.M.S.As	... No appearance

O R D E R

It is stated by the learned counsel for the appellant that the appellant has died long ago. The learned counsel for the appellant has

PUSHPA SATHYANARAYANA.J

srn

filed a memo dated 23.01.2017 stating that the speed post sent to the appellant returned with the postal endorsement "Deceased". However at the time of filing H.M.O.P.No.6 of 1999, the petitioner was aged about 61 years. So, he should be now 79 years old. As the relief of divorce sought for by the husband, which is the personal remedy, due to his death, the proceedings stand abated.

2. Accordingly, these Civil Miscellaneous Second Appeals are dismissed as abated. No costs.

27.01.2017

srn

To

1. The Additional District Judge cum
Chief Judicial Magistrate, Cuddalore
2. The Principal Sub Court, Cuddalore

C.M.S.A.Nos.11 of 2003 and 12 of 2003<http://www.judis.nic.in>