



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2017

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

C.M.A. (MD) No.1302 of 2016

and

C.M.P. (MD) .No.11176 of 2016

Thanislaus

... Appellant

Vs.

1. Vijayaperumal
2. Janardhana Prasad
3. Padmini

... Respondents

PRAYER: The Civil Miscellaneous Appeal has been filed under Order 43 Rule 1(u) of C.P.C., against the decree and judgment of District Court, Kanyakumari at Nagercoil in A.S.No.25 of 2012 dated 06.03.2015 by reversing the well considered decree and judgment in O.S.No.50 of 2010 dated 05.03.2012 passed by the learned Sub Judge, Kuzhithurai.

For Appellant : Mr.K.P.Narayanakumar
For R1 (Caveat or) : Mr.C.Rajesh Kumar

J U D G M E N T

When the matter is taken up for hearing today, the learned counsel appearing for the first respondent would submit that the appellant has already died and even in the civil suit, it has been represented that since the steps for deceased plaintiff not taken, the suit itself has been dismissed as abated, on 09.06.2016. Therefore, nothing survives in this appeal for adjudication. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

1. The District Judge, Kanyakumari at Nagercoil.
2. The Subordinate Judge, Kuzhithurai.
+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate, SR No. 63272.

AKV

PSM/SV/SAR1/11.07.2017/1P/4C

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