

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:06.02.2018

CORAM
THE HONOURABLE MR.JUSTICE M.DHANDAPANI
S.A.Nos.1882/1997 & 1040/1998
and
CMP.No.18950/1997

Kannammal

... Appellant/Defendant/Respondent
in both the appeals

Vs.

1.Govindasamy Gounder
2.Karunai Ammal (deceased)
3.Kandasamy (deceased) ... Respondents 1 to 3/Plaintiffs 1 to 3
4.4.Duraisamy
5.Anjali Devi
6.Gowtham
7.Divya ... Respondents 4 to 7
in both the appeals

(R4 brought on record as LR of the deceased R2 vide order of this Court dated 10/1/2018 and made in CMP 92 and 93/2012 in SA.No.1882/2017, CMP 97 to 99/2012 in SA.1040/98)

(RR5 to 7 brought on record as LRs of the deceased R3 vide order of this Court dated 10/01/2018 and CMPs 94 to 96/12 in SA.1882/97 CMPs 100 to 102 in SA.1040/98)

COMMON PRAYER: The Second Appeals have been filed under Section 100 of C.P.C. to set aside the Judgment and Decree dated 30.09.1997 passed in A.S.Nos.149/1996 & 144/1996 on the file of the I Additional District Judge-cum-Chief Judicial Magistrate, Erode in modifying the Judgment and Decree dated 07.12.1995 in O.S.No.426/1990 on the file of the Principal Subordinate Judge, Erode.

For Appellant : Mr.B.Kumarasamy
For RR1 to RR3 : Mr.R.Babu
For RR5 to RR7 : S.Kaithaimalai kumaran

COMMON JUDGMENT

It is represented that the sole appellant was dead and prior to his death, his only son was also died in the year 1989. Hence, the appeal is dismissed as abated and the other class - I legal heirs have not come forward to file the legal heir petition.

In view of the above the second appeals are dismissed as abated. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gv

To

1. The I Additional District Judge-cum-Chief Judicial Magistrate, Erode.
2. The Principal Subordinate Judge, Erode.

Copy to: The Section Officer,
VR Section,
High Court, Madras (2 copies)

VD(CO)
sm:6.3.2018

S.A.Nos.1882/1997 & 1040/1998
and
CMP.No.18950/1997

सत्यमेव जयते
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