

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2018

Coram:

The Honourable Mr. Justice R. PONGIAPPAN

Second Appeal No.1297 of 2007

Shaik Dawood ...Appellant/Respondent/Plaintiff

Versus

Abdul Rahman ...Respondent/Appellant/Defendant

PRAYER: The Second Appeal is filed against the Judgment and decree dated 27.10.2006 passed in A.S.No.357 of 2005 on the file of Additional District and Sessions Judge, Fast Track Court No.V, Chennai reversing the Judgment and decree dated 08.02.2005 in O.S.No.2438 of 2001 on the file of XI Asst. City Civil Court, Chennai.

For Appellant : Mr. Mohana Krishnan for
Mr. H. Nazirudeen
Mr. A. Prabhakaran

For Respondent : Ms. S. Sasikala for Mr. V. Bhiman

ORDER

The Second Appeal is filed against the Judgment and decree dated 27.10.2006 passed in A.S.No.357 of 2005 on the file of Additional District and Sessions Judge, Fast Track Court No.V, Chennai reversing the Judgment and decree dated 08.02.2005 in O.S.No.2438 of 2001 on the file of XI Asst. City Civil Court, Chennai.

2) When the appeal was taken up for hearing on 15.11.2018, there was no representation on either side. Hence, the appeal was directed to be posted today (20.11.2018), under the caption of "Dismissal".

3) Accordingly, the appeal is listed in the cause list today (20.11.2018) and when the appeal is taken up for hearing, the learned Counsel appearing for the appellant and respondent

are present. The learned Counsel appearing for the appellant made an endorsement that the appellant died and no instructions have been received from the legal heirs of the appellant. In the mean time, the learned Counsel appearing for the respondent also made an endorsement to the effect that the sole respondent died on 13.12.2015 at Elayangudi, Sivagangai District.

4) In view of the above endorsements made by the learned counsels appearing for either side, the Second Appeal is dismissed as abated. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Additional District and Sessions Judge,
Fast Track Court No.V, Chennai.

2.The XI Assistant Judge,
City Civil Court,
Chennai.

+1cc to Mr.V.Bhiman, Advocate, S.R.No.79344

+1cc to Mr.P.Haribabu, Advocate, S.R.No.79919

Second Appeal No.1297 of 2007

NMI (CO)

GSP(31/12/2018)

सत्यमेव जयते

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