



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:07.02.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

S.A.No.40 of 1997 & S.A.No.655 of 1998

S.A.No.40 of 1997

1.Kaliammal
2.Jayalakshmi
3.Thangammal

... Appellants/Defendants 2 to 4
Vs.

1.Chellappa Gounder ...1st Respondent/Plaintiff
2.Kaliammal ...2nd Respondent/1st Defendant
3. Chellappa Gounder
4.Kandasamy
5.Ramasamy ... Respondents 3 to 5/Defendants 5 to 7

Prayer: The Second Appeal has been filed under Section 100 of C.P.C. to set aside the Judgment and decree passed in A.S.No.18 of 1995 dated 31.10.1995 on the file of the Subordinate Judge, Sankagiri reversing the well considered judgment and decree passed in O.S.No.557 of 1985 dated 03.02.1995 on the file of the District Munsif Court, Tiruchengode.

For Appellants : Mr.C.Pandian

For Respondents: Mr.M.Munir Sheriff for R1
Batta due for R2 to R5

S.A.No.655 of 1998

1.Chellappa Gounder
2.Kndasamy
3.Ramasamy

... Appellants/Defendants 5 to 7
Vs.

1.Chellappa Gounder ...1st Respondent/Plaintiff
2.Kaliammal ...2nd Respondent/1st Defendant
3.Kaliammal
4.Jayalakshmi
5.Thangammal ... Respondents 3 to 5/Defendants 2 to 4



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For Appellants : Mr.S.Annadurai

For Respondents:Not ready in notice Res. R1 to R5

J U D G M E N T

The learned counsel for the appellants submitted that the first appellant and respondents 3 and 5 in S.A.No.40 of 1997 have died. He further contended that the appellants 1 & 3 and the respondent No.3 in S.A.655 of 1998 have also died. He has also made an endorsement to that effect in the bundle.

2.However, the legal heirs of the deceased appellants and respondents have not come forward to implead themselves in the appeal. Hence, the learned counsel appearing for the appellants contended that he could not take any steps to conduct the case.

3.In view of the above, these second appeals are dismissed as abated. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To.

1.The Subordinate Judge
Sankagiri

2.The District Munsif Court
Tiruchengode.

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

+1cc to Mr.M.Muniruddin Sheriff, Advocate sR.No.9582

VD(CO)

sm:13.3.2018

S.A.No.40 of 1997

&

S.A.No.655 of 1998