

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2018

CORAM : THE HONOURABLE MR.JUSTICE N.SESHASAYEE

S.A.No.298 of 2008
and MP.No.1 of 2008

1.K.S.Kuttiappa Gounder
2.Saraswathi
3.Selvakumar

... Defendants/Appellants/Appellants

Vs

1.Ramalingam ... Plaintiff/Respondent-1/Respondent

2.Indian Overseas Bank
Rep by its Branch Manager
Dasappagoundenpudur Branch

3.Peria Kodiveri Co-operative Agricultural Bank Ltd
Rep by its Secretary
Peria Kodivery. ... Defendants 2 & 3/Respondents/
Respondents

[Respondents 2 & 3 are given up as unnecessary parties]

Prayer : Second Appeal filed under Section 100 of the Code of Civil Procedure, 1908, against the judgment and decree dated 14.12.2004 made in A.S.No.77 of 2004 on the file of the Principal District Judge, Erode District at Erode, modifying the judgment and decree dated 24.2.2004 made in O.S.No.104 of 1996 on the file of the I Additional Subordinate Judge, Gobichettipalayam.

For Appellants : Mr.T.Murugamanikkam, Senior Counsel
for Mr.V.Rajesh

For Respondents : Mr.Narayanaswamy [R1]
R2 & R3 - Given up

JUDGMENT

It appears on 27.04.2018, the learned counsel for the first respondent has informed this Court that his client has died. Today, the learned counsel submits that he has provided the

details for impleading the legal heirs of the deceased to the learned counsel for the appellants on 19.06.2018, but till date no application has been filed to bring on record the legal heirs of the deceased first respondent. Hence the appeal, as against the first respondent stands abated.

2. That apart, the appellants have already given up their claim as against respondents 2 and 3 and hence the entire appeal stands abated. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ds

To:

- 1.The I Additional Subordinate Judge, Gobichettipalayam.
- 2.The Principal District Judge, Erode District.
- 3.The Section Officer,V.R.Section, High Court, Madras.

+1 cc to Mr.v.Rajesh, Advocate Sr.No.77142

S.A.No.298 of 2008

VBA (CO)
CSL/26.11.2018



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