

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

S.A.No.712 of 2008

and

M.P.No.1 of 2008

G.Varadrajan
Proprietor,
Vijay Karthik Industries,
No.413, Anna Nagar West (E),
Chennai-600 101.

...Appellant/Defendant

Vs.

Madras Can Factory,
Rep. by C.R.Varalakshmi,
No.275, Ramakrishnapuram,
Villivakkam, Chennai - 600 049.

...Respondent/Plaintiff

Prayer:- Second Appeal filed under Section 100 of Civil Procedure Code against the Judgment and Decree dated 28.7.2006 made in A.S.No.390 of 2005 on the file of the VI Additional City Civil Judge, at Chennai, confirming the Judgment and Decree dated 22.12.2004 made in O.S.No.11576 of 1996 on the file of the IV Assistant City Civil Judge, Chennai.

For Appellant : Mr.A.Thayaparan

For Respondent : Mr.V.V.Krishnamoorthy

JUDGMENT

The learned counsel for the appellant submitted that the appellant died on 15.06.2018 and as he has not received any instructions from the legal representatives of the deceased appellant, it, therefore, must be considered that the appeal as abated.

2. At this juncture, the learned counsel for the respondent would intervene and submit that the appellant is a tenant of the respondent, and since during the pendency of the appeal, he had vacated and surrendered the vacant possession of the suit property to the respondent and nothing survives in this appeal.

3. Inasmuch as the appellants', the legal heirs are not before this Court to vouchsafe the statement of the learned counsel for the respondent, this Court chooses to dismiss the appeal as abated.

4. Accordingly, this appeal is dismissed as abated. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssn
To

1.VI Additional City Civil Judge,
Chennai.

2.IV Assistant City Civil Judge,
Chennai.

Copy to
The section officer,
VR Section,
High court
Madras

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ASK(17/12/2018)



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