

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2018

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

SECOND APPEAL NO.1392 of 2004

1.Mrs.B.K.Mohideen ... Appellant/Appellant/Plaintiff

/versus/

1.K.K.Mohideen

2.K.M.Mohideen ... Respondents/Respondents/Defendants

Second Appeal has been filed under Section 100 of the Civil Procedure Code against the judgment and decree passed by the V Additional City Civil Judge, Chennai in A.S.No.18 of 2001 dated 29th April 2003, dismissing the appeal and confirming the judgment and decree dated 31st March 2000 in O.S.No.7280 of 1995 on the file of the IV Assistant City Civil Judge, Chennai.

For Appellant :Mr.N.Senthil Kumar

For Respondents :No appearance

J U D G M E N T

The learned counsel appearing for the appellant would submit that both the respondents died and furthermore, the suit in O.S.No.7280 of 1995, which is the subject matter of the second appeal, itself has become infructuous, in view of R.C.O.P.No.1566 of 2016 filed by the legal heirs of the second respondent against the appellant herein and the same is pending before the X Small Causes Court, Chennai.

2. A perusal of the records indicates that the suit in O.S.No.7280 of 1995 has been filed by the appellant herein against the landlords/respondents herein on the ground that they are trying to forcibly evict the plaintiff and therefore, she sought for permanent injunction restraining the defendants, their men, agents or servants from forcibly evicting her without following the due process of law.

3. Now, it is brought to the notice of this Court that the legal heirs of the second respondent has taken legal course by

filing RCOP for eviction. Hence, nothing survives in this second appeal both on facts as well as on law, in view of the death of the respondents and no steps having been taken to bring the legal heirs of the deceased second respondent on record.

For the above said reasons, this Second Appeal is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

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Sub Assistant Registrar

To

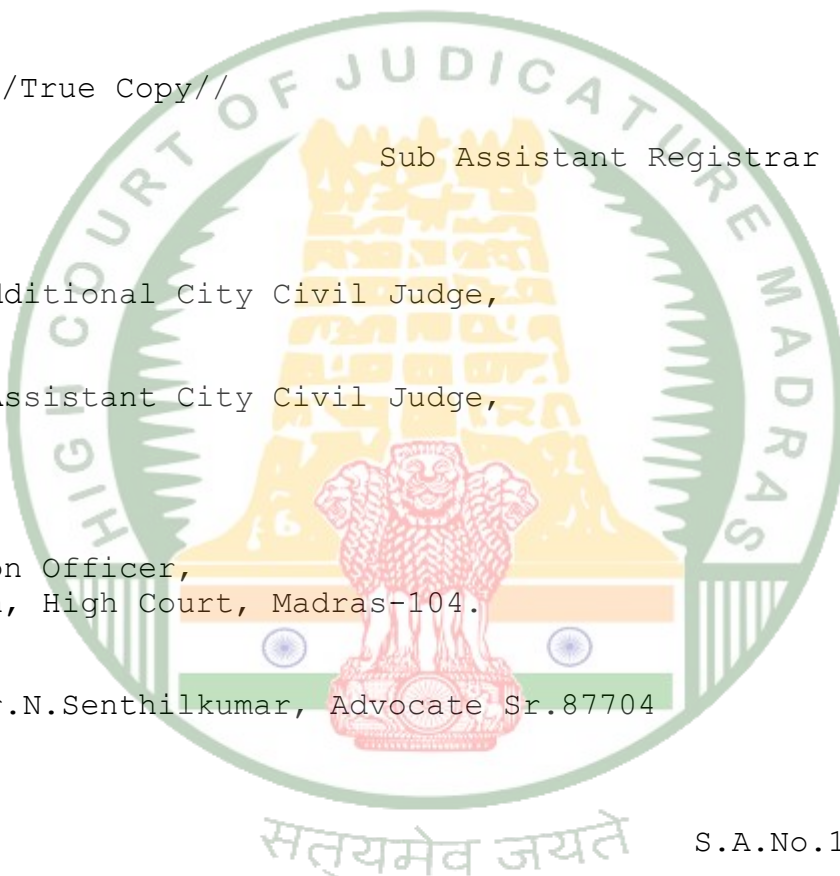
1.The V Additional City Civil Judge,
Chennai.

2.The IV Assistant City Civil Judge,
Chennai.

Copy to

The Section Officer,
VR Section, High Court, Madras-104.

+2cc to Mr.N.Senthilkumar, Advocate Sr.87704



S.A.No.1392 of 2004

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