

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22-11-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Second Appeal No.1430 of 2004

Krishna Mandiri

.. Appellant/Plaintiff

..Vs..

1.Krishnan

2.Kothandan

.. Respondents/Defendants

Second Appeal is preferred under Section 100 of the Code of Civil Procedure, against the judgment and decree passed in A.S.No.78 of 2002 on the file of Additional District and Sessions Court, Tirupattur (FTC) Vellore District dated 15.10.2003, confirming the judgment and decree passed in O.S.No.640 of 1996 dated 29.1.1999 on the file of the Principal District Munsif Court, Ambur.

For Appellant : Mr.J.Saravanel

For Respondents : Mr.V.Jeeva Giridharan

J U D G M E N T

The learned counsel appearing on behalf of the appellant made a submission that the sole appellant died. On verification of the case bundle, it is found that the matter was listed on 17.4.2018. On 17.4.2018, the Court passed an order stating that both the counsel present. At the request of the appellant's counsel, post on 25.4.2018. Once again the matter was listed on 24.5.2018. On 25.4.2018, the Court passed an order that "both the counsel present. It is represented by the appellant's counsel that the sole appellant had died and prays time, for taking steps. Post the matter after three weeks, for taking steps."

2. Though time was granted to the appellant to take steps on 25.4.2018 for the past about six months, no action was taken by the appellant for the purpose of impleading the legal representatives of the deceased appellant. The Death Certificate of the appellant shows that he died on 24.3.2005 and no steps were taken for the past 13 years.

3. Even today i.e., on 22.11.2018, the learned counsel for the appellant is unable to inform this Court that a petition is filed. Thus, an inference is to be drawn by this Court that the appellant is not interested in pursuing the matter and keeping the Second Appeal pending unnecessarily. Accordingly, the Second Appeal stands closed. However, liberty is given to the parties concerned to restore the Second Appeal if they have chosen to do so, within a reasonable period of time. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Additional District and Sessions Court, Tirupattur (FTC) Vellore District.
- 2.The Principal District Munsif Court, Ambur.
- 3.The Section Officer, V.R.Section, High Court, Madras (2 Copies)

+1 cc to Mr.J.Saravanavel, Advocate Sr.No.79716

+1 cc to Mr.V.Jeeva Giridharan, Advocate Sr.No.80070

S.A.No.1430 of 2004

CSL/17.12.2018

सत्यमेव जयते

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