

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.11.2018
CORAM:
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
S.A.No.1813 of 2004
and
C.M.P.No.14291 of 2004

1.Chellappan

2.Muthuswamy

..Appellants/Respondents/Plaintiffs

Vs.

Krishnaswamy

..Respondent/Appellant/defendant

Prayer:Second Appeal filed under section 100 of the Code of Civil Procedure against the judgment and decree made in A.S.No.21 of of 2001 on the file of the Principal District Judge Court of Erode dated 26.04.2001 reversing the judgment and decree passed in O.S.No.101 of 1995 by the Learned District Munsif Cum Judicial Magistrate, Perundurai, dated 09.08.2000.

For Appellants : M/s.G.Ramji

For Respondents : Mr.S.Kaithamalai kumaran

JUDGMENT

Even during the earlier hearing on 27.06.2018, it is brought to the notice of this Court that both the appellants as well as the sole respondent had died. The Second Appeal was adjourned for taking appropriate steps. There after, the Second Appeal was once again listed for hearing on 31.10.2018. Opportunity was provided to the parties to take steps and to bring on record the legal representations of the parties to the lis on hand, the case was again listed for hearing on 19.11.2018.

2.When the matter is called today, the learned counsel for the respondent brought to the notice of this Court that they are unable to take steps on account of the fact that the parties have not issued any instructions to proceed with the case. In other words, the respective learned counsels are unable to secure instructions from their respective parties to proceed with the present Second Appeal. Thus, keeping the case for an unspecified period is certainly not preferable in view of the fact that both the appellant as well as the respondents passed away and no steps are unable to taken. Thus, the Second Appeal is liable to be closed. However, it is made clear that the respective parties are at liberty to re-open the Second Appeal, if they have chosen to do so within a reasonable period of time.

3. Accordingly, the second appeal stands closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kak/kmm

To

1. The Principal District Judge Court,
Erode.

2. The District Munsif Cum Judicial Magistrate,
Perundurai.

Copy To:-
The Section Officer
VR Section, High Court
Madras.

+1cc to Mr.S.Kaithamalai Kumaran, Advocate, S.R.No.78834

S.A.No.1813 of 2004

AK(CO)

rrs 19/12/2018