

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:13.12.2018

Coram:

THE HON'BLE DR. JUSTICE G. JAYACHANDRAN

Second Appeal No.743 of 2004

Perumal Chettiar

... Appellant

/versus/

1.Vemban  
2.Ramasamy  
3.Periyasamy  
4.Chinnaponnu  
5.Vadivel  
6.Kamala

... Respondents

Second Appeal has been filed under Section 100 of C.P.C., against the judgment and decree dated 30.12.2002 made in A.S.No.87 of 2002 on the file of the Additional District and Sessions Judge(Fast Track Court) Kallakurichi reversing the judgment and decree dated 29.11.99 made in O.S.No.382 of 1994 on the file of the II Additional District Munsif Court, Kallakurichi.

For Appellant :No appearance

For Respondents :Mr.R.Muralidharan for R1  
No appearance for R2 to R5  
Not ready in notice reg.R6

J U D G M E N T

The learned counsel appearing for the 1<sup>st</sup> respondent would submit that the sole appellant died as early as 10.07.2008 and to that effect, he has produced a copy of the death certificate of the sole appellant Perumal Chettiar.

2. Mr.R.Devaraj, learned counsel appearing for the appellant is not present .

3. In view of the copy of the death certificate of the sole appellant furnished by the learned counsel appearing for the first respondent, this Court is convinced that the appellant died 10 years back and the legal heir of the deceased appellant Perumal Chettiar is not interested to pursue the second appeal. Hence, this Second Appeal is dismissed as abated. No costs.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Additional District and Sessions Judge (Fast Track Court)  
Kallakurichi.

2.The II Additional District Munsif Court,  
Kallakurichi.

Copy to

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

+1cc to Mr.R.Muralidharan, Advocate Sr.86401

सत्यमेव जयते

S.A.No.743 of 2004

srg 11/01/2019

WEB COPY