

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.03.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

S.A.Nos.1351 of 1998
and
CMP.Nos.6250 & 6251/2018

Saidapet Saswatha Nidhi
Rep. By its Secretary Appellant /Appellant
Defendant

Vs.

1. Radha Shanmugesan
2. Minor Jagadeesh
Rep. By its next friend,
Radha Shanmugesan ... Respondents/Respondents 2&3/
LRs.of deceased/LR of deceased
Plaintiffs

PRAYER: The Second Appeal has been filed under Section 100 of C.P.C., to set aside the Judgment and Decree dated 13.05.1996 on the file of the learned V Additional Judge, City Civil Court, Madras, made in A.S.Nos.387/1993 confirming the Judgment and Decree dated 30.11.1990 passed by the Learned XV Assistant Judge, City Civil Court, Madras made in O.S.No.10772/1987.

For Appellant :Mr. Thanikachalam

For Respondents :Mr. Natanarajan

J U D G M E N T

The plaintiff in O.S.No.10772/1987 filed a suit seeking direction for recovery of his salary for a sum of Rs.13,283.19/ and for interest on the ground that the plaintiff was the Promoter, Founder and President of the defendant/Company - the Saidapet Saswatha Nidhi Limited and he worked in the capacity of the President till 1984. Since his remuneration was not paid, he filed a suit with the above prayer.

2. The suit is decreed in favour of the respondent/plaintiff and the lower appellate court has also confirmed the order of the lower court. As against the concurrent findings, the present second appeal has been filed.

3. Pending second appeal, the respondent/plaintiff has passed away. However, the appellant is not able to file legal heir petition since no legal heir is available for representing his estate.

4. In view of the above, the second appeal is dismissed as abated. No costs.

In respect of CMP.Nos.6250 & 6251/2018, learned counsel for the petitioner seeks permission of this court to withdraw these petitions and he has also made an endorsement to that effect. Hence, these petitions are dismissed as withdrawn.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

gv
To

1. The V Additional Judge,
City Civil Court,
Madras.
2. The XV Assistant Judge,
City Civil Court,
Madras.

Copy to:

The Section Officer,
V.R. Section,
High Court, Madras.

+ 1 cc to MR. B. Thanickachalam, Advocate SR.23257

S.A.Nos.1351 of 1998

GJ(CO)
EU(17/04/2018)