

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

S.A.No.876 of 1998

1.Pattammal
2.G.Raja
3.G.Sivakumar

... Appellant/Respondent 2 to 4

Vs.

S.Rayar Nadar

... Respondent /Plaintiff

PRAYER: Second Appeal filed under Section 100 Civil Procedure Code praying to prefer the Second Appeal against the Judgment and Decree passed in A.S.No.83 of 1996 dated 29.04.1997 on the file of the Court of Principal Subordinate Judge, Mayiladuthurai in reversing the Judgment and Decree made in O.S.No.653 of 1986 dated 09.02.1995 on the file of the Court of District Munsif, Mayiladuthurai.

For Appellant : Mr.A.Muthukumar

For Respondent : Mr.Sounther

JUDGEMENT

The appellant filed the Second Appeal against the Judgment and Decree passed in A.S.No.83 of 1996 dated 29.04.1997 on the file of the Court of Principal Subordinate Judge, Mayiladuthurai in reversing the Judgment and Decree made in O.S.No.653 of 1986 dated 09.02.1995 on the file of the Court of District Munsif, Mayiladuthurai.

The learned counsel for the deceased Sole Respondent filed a memo before this Court on 12.12.2017 stating that the Sole Respondent Rayar Nadar died on 21.08.2001 leaving behind his son Selvanayagam as his legal representative. The said Selvanayagam died on 17.03.2010 leaving behind his legal representatives and he prayed this Court to pass necessary orders after recording the death of the Sole Respondent and his son Selvanayagam. Till date, the learned counsel for the appellant has not taken any steps to bring the Legal Representatives of Selvanayagam on record. The appeal is abated as against the respondent and

since the appeal is dismissed against the respondent is abated.

3. Accordingly, the Second Appeal is dismissed as abated. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS III)

//True copy//

Sub Assistant Registrar

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To

1. The Principal Subordinate Judge,
Mayiladuthurai.

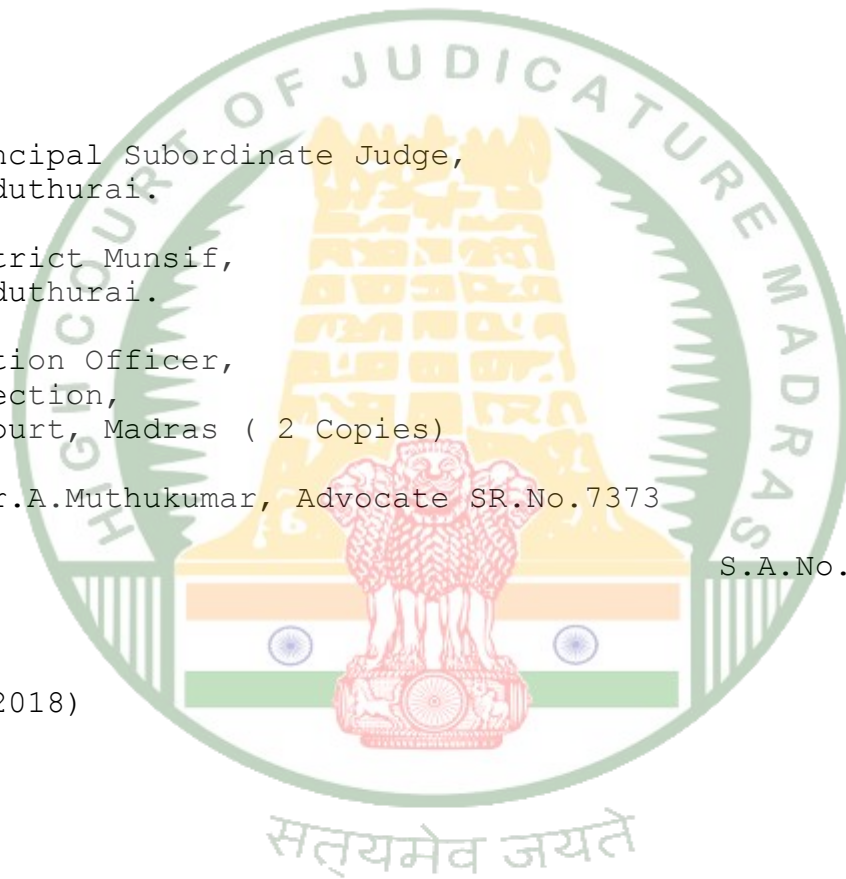
2. The District Munsif,
Mayiladuthurai.

3. The Section Officer,
V.R. Section,
High Court, Madras (2 Copies)

+1cc to Mr. A. Muthukumar, Advocate SR.No. 7373

S.A.No. 876 of 1998

VGII (CO)
GN (13/04/2018)



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