

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

S.A.No.709 of 1998

and

CMP.NO.1141 of 2011

1.C.K.Palaniswami

2.C.K.Subramanian

3.Thangammal

4.C.Arunachalam

5.C.Muthuswami

... Appellants/Plaintiffs 2 to 6

Vs.

1.A.M.Kamalammal (Ex-parte)

2.A.M.Venkatesan (Ex-parte)

3.Vijayalakshmi (Ex-parte)

4.State of Tamil Nadu,
Rep. by the District Collector,
Periyar District, Erode.

5.District Revenue Officer,
Periyar District, Erode.

6.R.Rangasami

7.Ramakkal

8.A.R.Palanisami

9.R.Somasundaram

10.D.Rasappan (Ex-parte)

11.K.R.Velliiangiri (Ex-parte)

12.Ramayal (Ex-parte)

13.Pappathi (Ex-parte)

14.Pavalakodi (Ex-parte)

15.E.Karuppanna Gounder (Ex-parte) ... Respondents/

Defendants 2 to 15 &

1st Plaintiff

PRAYER: Second Appeal filed under Section 100 Civil Procedure Code against the Judgment and Decree of the First Additional District and Sessions Judge and Chief Judicial Magistrate, Erode, dated 13.01.1998 made in A.S.No.77 of 1995 confirming the Judgment and Decree of the First Additional Sub-ordinate Judge, Erode, dated 23.03.1995 made in O.S.No.95 of 1986.

For Appellants : Mr.D.Gopal

For Respondents: M/s.Kaithaimalai Kumaran for R7 to R9
R1 to R3 & R10 to R15 - Deceased

JUDGEMENT

The learned counsel for the appellants filed a memo before this Court on 08.10.2014 stating that the first appellant died on 19.09.2014 and he prayed this Court to file a petition, to bring the legal representatives on record in the above mentioned appeal. Accordingly, he requested to adjourn the matter for filing a petition to bring the Legal Representatives on record.

2.Till date, the learned counsel for the appellants has not taken any steps to bring the Legal Representatives on record. The appeal is abated as against the first appellant and since the appeal is dismissed against the first appellant, the cause of action arouse and the other appellants are also abated.

3.Accordingly, the Second Appeal is dismissed as abated as against the other appellants also. However, there shall be no order as to costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The I Additional District and Sessions Judge and
chief Judicial Magistrate,
Erode.

2.The I Additional Sub-ordinate Judge, Erode

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

+1cc to M/s.A.K.Kumarasamy, Advocate 853

NRI (CO)
sm:16.2.2018

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