

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

S.A.No.388 of 2005

Mohammed Ali

.. Appellant/Plaintiff

vs

1. Mohammed Hanafi

2. Ismath Bivi

.. Respondents/Defendants

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure Code against the Judgment decree dated 28.01.2005 made in A.S.52 of 2004 on the file of the District Court at Nagapattinam reversing the judgment and decree dated 05.04.2004 made in O.S.259 of 2000 on the file of the subordinate Court at Tiruvarur.

For Appellant : Mr. Srinath Sridevan

For Respondents : Mr.J.Ram for R1 & R2

JUDGMENT

The learned counsel for the appellant made a submission that the sole appellant passed away and the counsel is unable to get instructions to proceed with the case.

2. The learned counsel appearing on behalf of the respondents 1 & 2 brought to the notice of this Court that the issues between the parties had already been settled and therefore, no further adjudication is required in respect of the grounds raised in the present second appeal.

3. In view of the said submission, this Court is of an opinion that no purpose would be served in keeping present second appeal pending for any further.

4. Accordingly, the second appeal stands dismissed as abated. The parties are granted liberty to restore the second

appeal, if they have decided to do so. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

pns

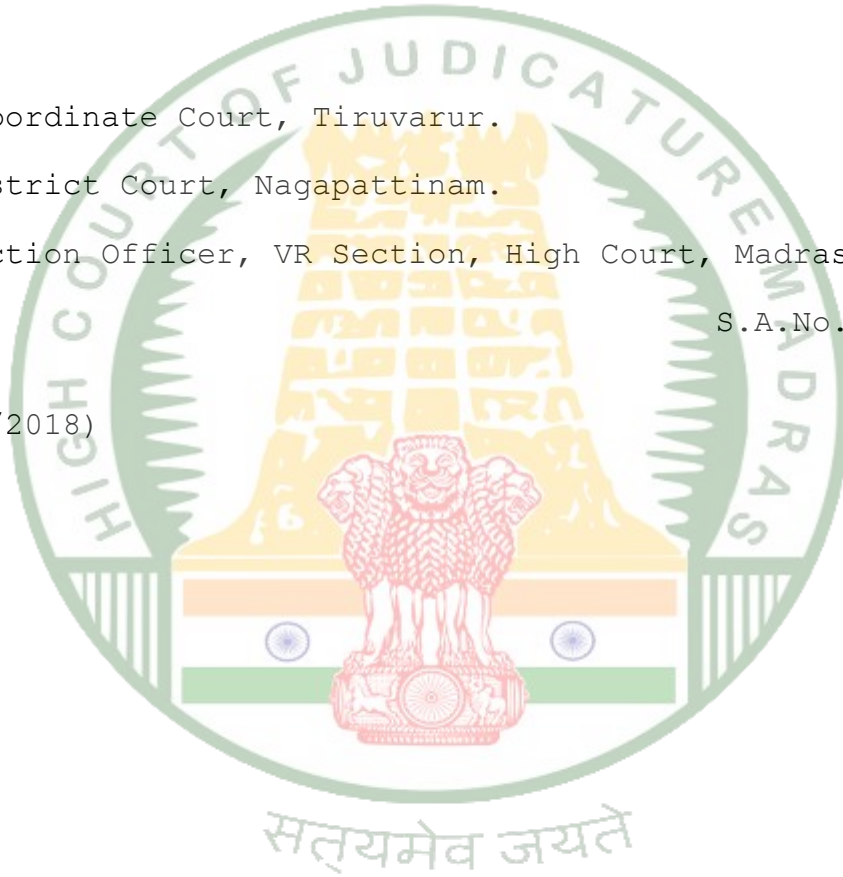
To

1. The Subordinate Court, Tiruvarur.
2. The District Court, Nagapattinam.
3. The Section Officer, VR Section, High Court, Madras.

S.A.No.388 of 2005

SR(CO)

GMV (06/12/2018)



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