

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

S.A.No.702 of 2005
and
C.M.P.No.9764 of 2005
and
C.M.P.Nos.1100 & 1101 of 2011

A.Umapathy

..Appellant/Plaintiff

Vs.

1.A.Purushothaman

2.Mrs.Parvathi ... Respondents 1 & 2/Defendants 2 & 3

3.Mrs.Saraswathi

4.Mrs.Lakshmi

5.Sterling Estates and Finance Ltd.,

having Corporate Office at
No.6, North Usman Road, T.Nagar,
Chennai - 600 017.

6.Mrs.Maheswari

7.Raj

8.Miss.Sathya

..Respondents 3 to 8/Defendants 5 to 10

Prayer:Second Appeal filed under section 100 of the Code of Civil Procedure against the judgment and decree passed in A.S.No.38 of 2004 dated 25.11.2004 on the file of the learned Additional District Judge, Fast Track Court No.V, Chennai, confirming the decree and judgment passed in O.S.No.408 of 1997 dated 29.07.2003 on the file of the learned III Assistant Judge, City Civil Court, Chennai.

For Appellant : Mr.Sunder Mohan

For Respondents: Mr.N.Karthikeyan for R1 & R2
No appearance for R3 to R8

JUDGMENT

The learned counsel for the appellant made a submission that the sole appellant in the Second Appeal is no more and the legal heirs of the sole appellant is not interested in pursuing the

matter any further. On account of the said submission, the learned counsel for the appellant is unable to get along with the Second Appeal and the learned counsel expressed his inability to argue the Second Appeal in view of the said instructions furnished to him by the legal heirs of the sole appellant, who died.

2. In view of the said submission, this Court is of an opinion that keeping the Second Appeal for an unspecified period will not serve any purpose in view of the fact that the legal heirs are not interested in pursuing the matter before this Court.

3. Accordingly, the Second Appeal stands dismissed as abated. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional District Judge,
Fast Track Court No.V,
Chennai.

2. The III Assistant Judge,
City Civil Court,
Chennai.

Copy To:-
The Section Officer
VR Section, High Court
Madras.

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srg 12/12/2018

S.A.No.702 of 2005