

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

S.A.No.540 of 1999  
AND  
C.M.P.No.6352 of 1999

Arumugha Konar

...Appellant

Vs.

1.Kolanjiammal  
2.Minor Vembu rep. by Guardian, 1<sup>st</sup> respondent  
3.Chinnadurai Konar ...Respondents

Prayer: The Second appeal has been filed under Section 100 of C.P.C. against the judgment and decree of the Court of District Judge, Cuddalore in A.S.No.13/98 dt. 23. Sept. 1998 in confirming the Judgment and decree of the Court of the Subordinate Judge, Virudhachalam in O.S.No.71/1990 dated 23.06.1997.

For Appellant : Mr.V.Raghavachari  
For Respondents : M.Abbirami for  
M/s.SarVabhauman Associates  
for R1 & R2  
not ready in notice Reg.R3

J U D G M E N T

The appellant is the defendant in O.S.No.71/1990 dated 23.06.1997, has lost before the Lower Courts and has filed the present second appeal.

2.The first respondent is the wife of the appellant and the second respondent is the daughter and the third respondent is the second defendant in O.S.No.71/1990 dated 23.06.1997, who is none other but the brother of the appellant.

3.The first respondent i.e. Mother and her minor daughter had filed a suit for partition and the same was decreed in their favour as against the decree of the Trial Court, the appellant

hereby filed an appeal before the First Appellate Court, which confirmed the judgment and decree of the Court of District Judge, Cuddalore in A.S.No.13/98 dated 23.09.1998.

4.During the pendency of the second appeal, the appellant, the husband and the father of the respondents 1 and 2 passed away. In view of the same, nothing survives in the second appeal and the property automatically goes to the wife and the daughter i.e. Respondents 1 and 2.

5.Accordingly, this second appeal is dismissed as infructuous. Consequently, connected CMP is closed. No costs.

Sd/-  
Assistant Registrar(CS VII)  
//True Copy//  
Sub Assistant Registrar

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To.

1.The District Judge  
Cuddalore

2.The Subordinate Judge  
Virudhachalam

3.The Section Officer  
VR Section  
High Court, Madras

+1 cc to M/s.Sarvabhauman Associates sr 10575

+1 cc to M/s.V.Raghavachari Advocate sr 10769

S.A.No.540 of 1999

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