



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

S.A.No.189 of 1999
CMP.Nos.3754 and 3755 of 2018

- 1.Muthuswami Gounder (died)
- 2.Nallasivam
- 3.Nachathal
- 4.Santha
- 5.Mani

...Appellants

..Vs..

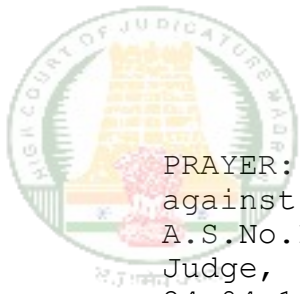
- 1.Arappa Gounder (Died)
- 2.Ramaswamy Gounder (Died)
- 3.Kaliammal
- 4.Periathal
- 5.Chinnathal
- 6.Muthammal
- 7.Nachimuthu
- 8.Angathal
- 9.Muthusamy
- 10.Palanisamy
- 11.Valliathal
- 12.Kittusamy
- 13.Chinnathal

(Respondent Nos.6 to 13 brought
on record as LRs of the deceased
R1 vide order of Court dated
09.01.2015 made in C.M.P.Nos.
10414 to 10416 of 2004)

14. Arukathal
- 15.Tamilarasi
- 16.Kalaiarasi
- 17.Subramanian

(Respondent Nos.14 to 17 brought
on record as LRs of the deceased
R2 vide order of Court dated
29.06.2018 made in C.M.P.Nos.
3754 and 3755 of 2018 in S.A.No.189/1999)

...Respondents



PRAYER: Second Appeal filed under Section 100 of C.P.C., against the judgment and the decree dated 20.11.1997 in A.S.No.125 of 1995 passed by the second Additional District Judge, Erode, confirming the judgment and decree dated 24.04.1995 in O.S.No.58 of 1982 passed by the Subordinate Judge, Dharapuram.

For Appellants : P.T.Ramadevi
For Respondent No.2 : Mr.S.Saravanan
for R14 to R17

J U D G M E N T

The learned counsel for the appellants has filed a memo stating that during pendency of the Second Appeal, the appellant Nos.1 and 3 died leaving behind other appellants as their LRs and hence, the appeal will not abate due to the death of the appellant Nos.1 and 3. Further, she has stated that the second respondent also died and to implead the LRs of the second respondent, Civil Miscellaneous Petition Nos.3754 and 3755 of 2018 have been filed and they are still pending. She also stated that the appellants informed her that the matter was settled and instructed her to withdraw the Second Appeal. She has enclosed the letter sent by the appellant No.5.

2. Being satisfied with the reasons stated in the affidavit filed in support of the petitions, C.M.P. Nos.3754 and 3755 of 2018 are allowed by separate order. Hence the memo filed by the learned counsel for the appellants is recorded. Second Appeal is dismissed as withdrawn. No costs.

Sd/-
Assistant Registrar(CS IV)

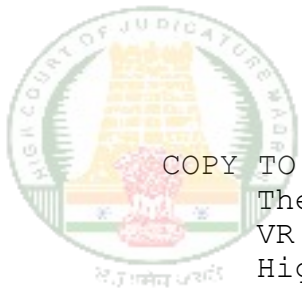
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Sub Assistant Registrar

gsp/gv

To

1. The II Additional District Judge, Erode.
2. The Subordinate Judge, Dharapuram.



COPY TO:

The Section Officer,
VR Section,
High Court, Madras.

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+1 CC to M/s.P.T.Ramadevi, Advocate, Sr.No. 42570.

S.A.No.189 of 1999

SR-II (CO)
LS (30/09/2021)