

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

S.A.Nos.1001 and 1002 of 2002

1.M.Kandasamy
2.M.Palanivelu
3.M.Shanmugham

... Appellants/Appellants
in both the S.As.

Vs.

Chinnapaiyam @ K.K.Palaniappan

... Respondent in
S.A.1001 of 2002

1.Lakshmi
2.M.S.Palaniappan
3.M.S.Rajakumar
4.M.S.Subramani

.... Respondents/Plaintiff in
S.A.1002 of 2002

Common Prayer:

Second Appeals filed under Section 100 of C.P.C. against the judgment and decree dated 12.10.2001 made in A.S.Nos.19 and 20 of 1999 respectively, on the file of the Subordinate Judge's Court, Mettur confirming the judgment and decree of the District Munsif Court, Mettur dated 31.08.1995 made in O.S.Nos.384 and 558 of 1981 respectively.

For Appellants : Ms.Mythili
for M/s.Sarvabhauman Associates

For Respondents: Ms.R.Meenal
for R1 to R4 in S.A.1002 of 2002

For Respondents: No Appearance in S.A.1001 of 2002

C O M M O N J U D G M E N T

The learned counsel appearing for the appellants would submit that the second appellant died on 25.09.2003. However, the parties have not taken any steps to bring on record the legal representatives of the deceased second appellant. In view of the death of the second appellant, nothing survives for

adjudication in respect of the appellants 1 and 3 as the cause of action and the relief sought for is in the same property.

2.The learned counsel appearing for the respondents in S.A.1002 of 2002 would submit that the first respondent had died on 25.08.2006 and the same was informed to the learned counsel for the appellants, but they have not taken any steps to bring on record the legal representatives of the deceased first respondent.

3.In view of the submissions made by the learned counsel appearing for the appellants, the second appeals are dismissed as abated. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Subordinate Judge's Court, Mettur.

2.The District Munsif Court, Mettur.

+1cc to M/s.Sarvabhauman Associates, Advocate, S.R.No.5008

+1cc to Mr.R.Subramanian, Advocate, S.R.No.3993

S.A.Nos.1001 and 1002 of 2002

kj(co)
cs/28/03/18

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