

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

S.A.No.1193 of 2003

Mr.V.Kothandaraman

.. Appellant/Defendants

Vs.

1. Smt.Sagayarani

2. Reginamary

3. Arulsuganthi

.. Respondents/Plaintiffs

Prayer :- Second Appeal has been filed under Section 100 of C.P.C against the judgment and decree dated 12.11.2002 made in A.S.No.18 of 2002 on the file of Principal District Judge, Villupuram, Villupuram District confirming the judgment and decree dated 07.09.2001 made in O.S.No.182 of 2000 on the file of II Additional District Munsif Court, Ulundurpet.

For the appellant : Mr.S.Selvaraju

For the respondents : Mr.T.Gandhi

JUDGMENT

Both counsel present. It is found that the sole appellant had already died and it is further found that petitions had been filed in CMP.Nos.844 to 846 of 2013, to bring the legal heirs of the sole appellant on record. However, the said petitions were not prosecuted diligently, so the matter was listed under the caption "for dismissal" i.e. on 09.12.2014 and accordingly, this Court had dismissed the said petitions, by order dated 09.12.2014. Accordingly, pursuant to the above said order, the second appeal should have been dismissed as abated, however, no such order has been passed in the second appeal.

2. Today, when the matter is called for hearing, counsel for the appellant represents that he may be given an opportunity to restore the Civil Miscellaneous Petitions, which were dismissed on 09.12.2014. However, when it is found that the Civil Miscellaneous Petitions had been dismissed on 09.12.2014 itself for non-prosecution. I am not inclined to accept the request of the appellant counsel. Following the order, dated 09.12.2014 passed in CMP.Nos.844 to 846 of 2013, the Second

Appeal is dismissed as abated with costs. Consequently connected miscellaneous petitions if any, are closed.

MEMORANDUM OF COSTS

SA NO.1193 OF 2003

Respondent's () Costs

	Rs. p
Stamp for Vakalatnam	3.00
Advocate's fee [F.C. NOT FILED]	
Translation and Printing/Typing charges	
To be paid to the Appellant/Defendant (Rs.3.00)	

	3.00

To the Appellant (Plaintiff)

Sd/-
Assistant Registrar (CS-iv)

//True Copy//

Sub Assistant Registrar

adl

To

1. The Principal District Judge, Villupuram.
2. The II Additional District Munsif, Ulundurpet.

Copy to:

The Section Officer, V.R. Section,
High Court, Madras. (2 copies)

+1cc to Mr.S.SELVARAJ, Advocate, S.R.No. 13178 (19.04.18)
S.A.No.1193 of 2003

ssi (CO)
TR (05/04/2018)