

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2018  
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

S.A.No.626 of 2001  
And  
C.M.P.No.2521 of 2007

Manickam Chettiar

... Appellant

Vs.

1.Murugesan  
2.Sivasubramanian  
3.Thiagarajan  
4.Sudha

(R4 impleaded as per the order  
of this Court dated 14.03.2018  
made in C.M.P.No.10637 of 2006  
in S.A.No.626 of 2001)

... Respondents

Prayer:

Second Appeal filed under Section 100 of C.P.C. against the judgment and decree dated 04.08.2000 made in A.S.No.38 of 1999 on the file of the Additional Subordinate Judge, Mayiladuthurai, confirming the judgment and decree dated 19.01.1999 made in O.S.No.141 of 1996 on the file of the Principal District Munsif Court, Mayiladuthurai.

For Appellant : Mr.R.Arunagirinathan

For Respondents : R1 and R2 Dismissed Vide Court  
order dated 08.12.2009  
Mr.S.Sounthar for R3  
Mr.A.Muthukumar for R4

J U D G M E N T

The suit is for dissolution of firm. The lower Court decreed the suit and the lower Appellate Court confirmed the decree granted by the lower Court. The respondents 1 and 3 are the sons of the appellant and the other respondents namely, **\* The Second Respondent in the third party and the fourth respondent in the subsequent purchaser who purchased the property from the partners of the appellant.**

2.The third respondent has filed a memo dated 14.03.2018 stating that the sole appellant died on 08.07.2011. The second appeal was already dismissed against the respondents 1 and 2 on 08.12.2009. The memo further states that the right to defend the suit available to appellant does not survive to third respondent, even though he happened to be his son in view of the fact he is the contesting opponent.

3.The sole appellant died on 08.07.2011, however, till date the legal heirs of the deceased appellant has not come forward for prosecuting the case. In view of the above, the second appeal is dismissed as abated. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-  
Asst.Registrar (CCC)  
12.04.2018

**\*Corrected as per order of  
this Court dated 25.09.2018  
in S.A.No.626 of 2001 & CMP.NO.2521 of 2007  
-s/d-  
Assistant Registrar (CS-IV)  
dated 01.10.2018**

/true copy/

Sub Asst. Registrar

To

1. The Additional Subordinate Judge,  
Mayiladuthurai.

2. The Principal District Munsif Court,  
Mayiladuthurai.

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

**To be Substituted to be  
Order already deposited  
On 08.05.2018**

+ 1 cc to Mr.A.Muthukumar Advocate, SR.19128  
+ 1 cc to Mr.S.Sounthar Advocate, SR.19181

S.A.No.626 of 2001  
And  
C.M.P.No.2521 of 2007

lrs(co)  
nr 17/04/2018  
CS/01/10/18

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