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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

S.A. (MD) No.305 of 2017
and
C.M.P. (MD) No.6527 of 2017

Subbaiah : Appellant / Appellant / Plaintiff

-Vs-

Periyakaruppan Ambalam : Respondent/Respondent/Defendant

PRAYER: Second Appeal is filed under Section 100 of the Civil Procedure Code, against the fair and decreetal order dated 25.11.2015, made in A.S.No.95 of 2005, on the file of the learned Subordinate Judge, Devakottai, confirming the judgment and decree passed in O.S.No.159 of 2004, dated 31.01.2005, on the file of the learned District Munsif, Devakottai.

For Appellant : No Appearance
For Caveator : Mr.J.Anandkumar

JUDGMENT

Even when the matter was listed on 26.03.2018, there was no representation for the appellant, however, it was reported that the sole respondent is no more and that steps have to be taken. Hence, this Court directed the Registry to post the matter on 27.03.2018, under the caption "for dismissal".

2.When the matter was taken up on 27.03.2018, on the representation for the appellant, the matter was directed to be posted today, after removing the caption "for dismissal". However, even today (i.e., 11.04.2018), there is no representation for the learned Counsel for the appellant. Even on 10.08.2017, it was represented before this Court that the sole respondent died. Hence, this appeal is liable to be dismissed as abated.

3.As a result, this second appeal is dismissed as abated. However, there is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/



To

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1.The Subordinate Judge, Devakottai.

2.The District Munsif, Devakottai.

3.The Section Officer, (2 copies)
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

Cmr

RL/5C/2P/KK/SAR1/26/4/2018

Judgment made in

S.A.(MD)No.305 of 2017

11.04.2018