

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 29.01.2019

Coram

The Honourable Ms. Justice P.T.ASHA

CMP.No.4063 of 1993
in
SA.SRNo.47977 of 1990

1. Marappa Gounder
2. Palaniswamy Gounder
3. Arumugha Gounder
4. Kaliappa Gounder
5. Muthuswamy Gounder
6. Ramasami Gounder
7. Samiappa Gounder ... Appellants/Petitioners

Versus

1. Thirumoorthi Gounder
2. Guruswamy Gounder
3. Peria Karuppa Gounder
4. Karuppa Gounder
5. Rayappa Gounder
6. Arumugha Gounder
7. Marappa Gounder
8. Chinniah Gounder
9. Krishna Gounder Respondents/Respondents

PRAYER: This Civil Miscellaneous Petition is filed under Section 5 of Limitation Act for condoning the delay of 378 days in filing the second appeal.

For Appellant : No appearance

P.T.ASHA, J.,

jrs

JUDGMENT

Today, when the matter was called, there was no representation on the side of the appellants. It is seen from the batta sheet that even as early as in the year 1997, it is reported that the Respondents 3 to 6 & 9 deceased. However, no steps have been taken to implead the legal heirs of the deceased respondents, that apart batta has also not been taken to serve the respondent.

2. Considering the fact that the above respondents are dead and there has no steps been taken to bring their legal heirs on record. Therefore, Civil Miscellaneous Petition is dismissed as abated consequently, Second Appeal stands dismissed as abated.

29.01.2019

jrs

Index : Yes/No
Internet: Yes/No

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