

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2019

Coram

The Hon'ble Mr. Justice C.V.KARTHIKEYAN

S.A.No.314 of 2001

and

C.M.P.No.3300 of 2001

1. Balan @ Balasubramaniam
2. Delli @ Venugopal
3. Dr. Surendran
4. Jyothiammal
5. Vasu
6. Sriram
7. Sri Raghu
8. Jeeva
9. Rajaganapathy
10. Velmurugan

...Appellants

Vs

1. Shanmugam
2. Siva Kozhundu
3. Chitrambalam
4. Selvarajan
5. Durairaju
6. Nagarajan
7. Pappathi
8. Valliammal
9. Sivagami Ammal
10. Minor Selvi
11. Minor Meenambal
12. Minor Mythili
13. Minor Varadarajan
14. Minor Pushpalatha

...Respondents

(Respondents 10 - 14, rep.by
guardian 9th respondent).

Prayer: The Second Appeal is filed under Section 100 of CPC, against the judgment and decree made in A.S.No.45 of 1994 on the file of Learned III Additional District Judge, Salem dated 28.06.1996 confirming the judgment and decree passed in O.S.No.1070 of 1986 on the file of the learned Additional District Munsif, Salem dated 10.11.1993.

For Appellants : Mr.D.Shivakumaran

For R1 : died

For R2, R3 and R8 : No appearance

For RR4 -7, RR9 - 14: Paper Publication ordered, proof not filed.

JUDGMENT

Even on 28.03.2018, it was noted that the first respondent is dead and that appellants should take steps to bring on record his legal representatives. Steps have not been taken. This was also noted by this Court on 07.12.2018.

2. On 21.12.2018, the learned counsel for the appellants stated that the matter had been settled. Today (02.01.2019), a memo had been filed by the learned counsel for the appellants stating that letter sent to the second appellant had been returned back with the endorsement 'unclaimed'.

3. It is clear that the appellants are not interested in prosecuting the case. Quite apart from that, it is also seen that the first respondent is dead and steps have not been taken. The Second Appeal is dismissed as abated and for non-prosecution. No costs. Consequently, connected Civil Miscellaneous Petitions is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

smv

To

1. The III Additional District Judge,
Salem

2. The Additional District Munsif,
Salem.

Copy To

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

S.A.No.314 of 2001
and

C.M.P.No.3300 of 2001

SS (CO)

rrs 08/02/2019