

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.11.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

S.A.Nos.1209 and 1615 of 2003
and
CMP.No.10359 of 2003

SA.No.1209 of 2003

N.Mani Appellant/1st Defendant

Vs.

1. Mohamed Ali
2. Ezhumalai Respondents/Plaintiff
& 2nd Defendant

SA.No.1615 of 2003

Ezhumalai Appellant/2nd Defendant

Vs.

1. Mohamed Ali
2. N.Mani Respondents/Plaintiff &
1st Respondent

PRAYER in SA.No.1209 of 2003: Second Appeal filed under Section 100 of C.P.C., against the judgment and decree of the learned Additional Subordinate Judge, Chengalpattu dated 31.12.2002 in A.S.No.30 of 2002 reversing the judgment and decree of the learned District Munsif, Chengalpattu dated 21.12.2001 in O.S.No.313 of 1991.

PRAYER in SA.No.1615 of 2003: Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 31.12.2002 in A.S.No.30 of 2002 of the learned Additional Subordinate Court, Chengalpattu reversing the judgment and decree dated 21.12.2001 of the learned District Munsif Court, Chengalpattu in O.S.No.313 of 1991.

For Appellant : Mr.T.M.Hariharan
(in both appeals)

For Respondents : Mr.M.S.Subramanian for R1
(in both appeals)

COMMON JUDGMENT

S.A.No.1209 of 2003 has been filed by the first defendant and S.A.No.1615 of 2003 has been filed by the second defendant against the judgment and decree passed in A.S.No.30 of 2002 on the file of the Additional Sub Judge, Chengalpattu dated 31.12.2002 reversing the judgment and decree passed by the District Munsif, Chengalpattu in O.S.No.313 of 1991 dated 21.12.2001.

2. The first respondent herein had filed a suit in O.S.No.313 of 1991 on the file of the District Munsif, Chengalpattu against the appellants herein for the relief of declaration, delivery of possession and for permanent injunction.

3. The learned District Munsif, Chengalpattu by the judgment dated 21.12.2001 had dismissed the said suit. As against the same, the plaintiff had filed an appeal in A.S.No.30 of 2002 on the file of the Additional Sub Judge, Chengalpattu. The learned Additional Sub Judge, Chengalpattu by the judgment dated 31.12.2002 had allowed the said appeal and set aside the judgment and decree passed by the trial court and decreed the suit as prayed for. Feeling aggrieved, the first defendant has filed SA.No.1209 of 2003 and the second defendant has filed SA.No.1615 of 2003.

4. In both the second appeals, the first respondent/plaintiff died on 11.04.2016. For the past three years, steps not taken to implead the LRs of the first respondent/plaintiff. Hence, these second appeals are dismissed as abated. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vv
To

1. The Additional Subordinate Judge,
Chengalpattu.
2. The District Munsif,
Chengalpattu
3. The Section Officer, VR Section,
High Court, Madras.

+1cc to Mr.M.S.Subramaniam, Advocate SR.96774

S.A.Nos.1209 and 1615 of 2003
and
CMP.No.10359 of 2003

SR(CO)
CB(19/06/2020)



WEB COPY