

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

S.A.No.1701 of 2003
and
C.M.P.No.15562 of 2003

M.Subramaniam .. Appellant

Versus

1.S.Sethupathi
2.T.Kalarani
3.R.T.Ramesh
4.R.T.Suresh
5.R.T.Rajesh
6.A.Rajeswari
7.S.Mallika
8.Selvi R.Nalini .. Respondents

PRAYER:

Second Appeal has been filed under Section 100 of Civil Procedure Code, against the Judgment and Decree dated 11.04.1997 made in A.S.No.21 of 1997 on the file of the Court of Appellate Authority Principal Sub-Judge, Salem, confirming the decree and judgment dated 29.09.95 made in O.S.No.237 of 1984 on the file of the Court of Principal District Munsiff, Salem.

For Appellants :: M/s.V.Ambika

ORDER

A memo dated 19.01.2019 had been filed by the learned counsel for the appellant. The memo reads as follows:-

"It is respectfully submitted that I am the counsel appearing for the appellant in S.A.No.1701 of 2003. The sole appellant Mr.M.Subramaniam died on 18.01.2000, and his wife died on 18.08.2005. The legal heirs of the appellant are not interested in pursuing the appeal. The respondents are learnt to have

also sold their property on the northern and western side of the suit property. Hence, the parties are not interested in pursuing the Second Appeal. I therefore, pray that this Hon'ble Court may be pleased to dispose of the Second Appeal as infructuous.

It is therefore prayed that this Hon'ble Court may be pleased to dispose of the present Second Appeal pending on the file of this Hon'ble Court, by recording the above submissions and dismiss the same as infructuous, or pass other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case, and thus render justice".

2. In view of the above said memo, this appeal is dismissed as infructuous. No costs. The memo shall form part of the records. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nvi

To

- 1.The Principal Sub-Judge, Salem,
- 2.The Principal District Munsiff, Salem

Copy To

The Record Keeper,
VR Section, High Court,
Madras-104 (2 Copies)

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PPA (CO)
CS/06/03/2019