

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2020

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

SA.No.1163 of 2004 and
CMP.Nos.20663 and 21941 of 2019

Gajalakshmi Ammal

..Appellant

Vs.

1.N.R.Govindan
2.N.R.Shanmugam
3.N.R.Dhana Vijayan
4.Rukku @ Tilakavathi
5.Ammu @ Baggiyalakshmi
6.M.Banumathi
7.Panneerselvam (deceased)
8.Krishnasamy @ kitcha
9.M.Banumathi

..Respondents

(R9 brought on record as LR of the deceased R7, viz.,
Panneerselvam vide order of court dated 14.12.2018 made in
CMP.No.965 to 967 of 2013 in SA.No.1163 of 2004 (Dr.GJJ))

PRAYER:

The Second Appeal is filed under Section 100 of CPC against
the judgment and decree dated 19.06.2002 in A.S.No.3 of 1997 on
the file of the Principal District Judge, Vellore District
confirming the judgment and decree dated 22.02.1996 in
O.S.No.114 of 1991 on the file of the Subordinate Judge, Ranipet.

For Appellant : K.Pasupathy

For Respondents

For R3 : Mr.M.Duraimurugan

For R1, 2, 4 to 9 : No Appearance

ORDER:

This second appeal is directed as judgment and decree dated
19.06.2002 in A.S.No.3 of 1997 on the file of the Principal
District Judge, Vellore District confirming the judgment and
decree dated 22.02.1996 in O.S.No.114 of 1991 on the file of the
Subordinate Judge, Ranipet.

2. The civil miscellaneous petitions are filed to condone the delay in filing the application to restore the second appeal in SA.No.1163 of 2004 and to restore the second appeal.

3.The learned counsel for the third respondent submitted that the sole appellant died.

4.It is seen that the sole appellant died, and the legal heirs of the appellant have not taken any step to implead themselves as party to the proceedings. Therefore, the civil miscellaneous petitions are dismissed.

5. Accordingly, the second appeal is also dismissed as abated. However, the legal heirs of the sole appellant are at liberty to file petition to set aside the abatement of this second appeal. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal District Judge,
Vellore District.

2.The Subordinate Judge,
Ranipet.

A.SK(03/02/2020)

SA.No.1163 of 2004

सत्यमेव जयते

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