

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated: 03.01.2019

Coram:

The Honourable Dr.Justice G.JAYACHANDRAN

Second Appeal Nos.1940 & 1941 of 2004
& C.M.P.No.1262 of 2011

Pothu Jana Seva Sangam,
School, rep. by its Secretary,
R.Arasappa Gounder,
S/o.Ramasamy Gounder,
Square Market, Mettur Dam,
Salem District-636 401.

... Appellant in both cases/
1st Defendant in OS No.375/90/
Plaintiff in OS No.335/90

Vs.

S.A.No.1940 of 2004:

1. The Residents of LGM Colony,
Electricity Board Quarters,
Mettur Dam (rep. by G.Perumal)
in a representative capacity,
49, LGM Quarters,
Mettur Dam 1.

... 1st Respondent /Plaintiff in
OS No. 375/90

2. The District Collector,
Salem District, Salem.

3. The Commissioner,
Mettur Municipality,
Mettur Dam-1.

... Respondents/Defendants 2 and 3
in OS.No. 375/90

S.A.No.1941 of 2004:

1. The Commissioner,
Mettur Municipality,
Mettur Dam-1.
2. Rangaraj,
S/o. Sevi Gounder,
Near A.T.C.Shed Road,
Mettur Dam, Mettur-1.

3. Perumal,
S/o. Gurunathan,
Near A.T.C.Shed Road,
Mettur Dam, Mettur-1.

4. Seerangammal,
W/o.Perumal,
8/1F, Mettur Township Area,
Mettur Dam-1,
Salem District.

... Respondents/Defendants in
OS No. 335/90

PRAYER: These Second Appeal has been filed under Section 100 of Civil Procedure Code, praying against the judgment and decree of the learned Subordinate Judge, Mettur in A.S.No.49 of 2002 & A.S.No.34 of 2002 respectively dated 21.10.2003 confirming the Judgment and Decree of the Learned District Munsif, Mettur in O.S.No.375 of 1990 & O.S.No.335 of 1990 respectively, dated 11.03.2002.

S.A.No.1940 of 2004:

For Appellant : Mr.S.Kaithamalai Kumaran

For R1 : Mr.R.Thirugnanam
for C.H.Pandian

For R2 : Mr.N.Manigandan
Government Advocate

For R3 : Mr.S.Saravanan

S.A.No.1941 of 2004:

For Appellant : Mr.S.Kaithamalai Kumaran

For R1 : Mr.S.Saravanan

For R3 & R4 : Mr.R.Thirugnanam
for C.H.Pandian

For R2 : Given up

C O M M O N J U D G M E N T

The Appellant is the first defendant in the suit. The Appellant/Pothu Jana Seva Sangam School its represented by one Mr.R.Arasappa Gounder. It is also reported that the said Mr.A.Arasappa Gounder died on 29.11.2015. When the matter was listed on 19.12.2018, the learned counsel appearing for the appellant was requested to verify whether anything survives in

these Second Appeals. Since, the matter relates to public road and both the Courts has held against the appellant holding that the suit property is a public road.

2. The learned counsel for the appellant informs that the postal letter sent to the appellant is returned with an endorsement "Deceased".

3. The learned counsel appearing for the first respondent/G.Perumal in S.A.No.1940 of 2004, who is the plaintiff in the suit has also expired and also the 3rd and 4th Respondents in S.A.No.1941 of 2004 is also died.

4. In the light of the above fact, this Court finds that nothing survives in these Second Appeal. Hence, these Second Appeals are dismissed. No costs. Consequently, Connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bsm

To

1.The Subordinate Judge,
Mettur, Salem.

2.The District Munsif,
Mettur,Salem.

3.The District Collector,
Salem District, Salem.

4.The Commissioner,
Mettur Municipality,
Mettur Dam-1, Salem.

Copy To:

The Section Officer,
VR Section,High Court,Madras-104.

+1cc to Mr.R.Thirugnanam, Advocate, S.R.No.805

+1cc to Mr.S.Saravanan, Advocate, S.R.No.1194

Second Appeal Nos.1940 & 1941 of 2004

VGI (CO)

rrs 28/01/2019