

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.01.2019

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

SECOND APPEAL NOS.722 AND 723 OF 2004

1.C.Mohan

2.S.Rajagopal

...Appellants in both appeals

Vs

1.Balakrishnan

2.Kandaswamy

3.Sundaresam Pillai

4.Bhuvaragamurthy

5.Rayar

6.Neelavathi

7.Thayarammal

...Respondents in S.A.No.722/2004

1.R.Narasimhan

2.Radhakrishnan

3.V.Veerapandian

4.Sudhakar

...Respondents in S.A.No.723/2004

Prayer in S.A.No.722 of 2004: Second Appeal has been filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 24.03.2003 made in A.S.No.41 of 1994 on the file of the Court of Subordinate Judge, Chidambaram, in reversing the judgment and decree made in O.S.No.274 of 1985 dated 30.07.1994 on the file of the Court of District Munsif, Chidambaram.

Prayer in S.A.No.723 of 2004: Second Appeal has been filed under Section 100 of the Civil Procedure Code against the judgment and decree made in A.S.No.42 of 1994 dated 24.03.2003 on the file of the Court of the Subordinate Judge, Chidambaram, in reversing the judgment and decree dated 30.07.1994 made in O.S.No.736 of 1988 on the file of the Court of District Munsif, Chidambaram.

For Appellants : Mrs.Srividhya for
Mr.A.Muthukumar
(in both appeals)

For Respondents : Mr.Srinath Sridevan for
R1 and R2 (in SA.No.722/2004)

Mr.Srinath Sridevan for
R1 to R4
R2 and R3-No appearance
(in S.A.No.723/2004)

COMMON JUDGMENT

The learned counsel appearing for the appellants in both the appeals would submit that the second appellant died pending the appeals. Since the decree is indivisible, in view of the demise of the second appellant, nothing survives in these appeals. Therefore, these Second Appeals are dismissed as abated. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Subordinate Judge,
Chidambaram.
- 2.The District Munsif,
Chidambaram.
- 3.The Section Officer,
V.R.Section,
High Court, Chennai - 104

+1cc to Mr.Srinath Sridevan, Advocate, S.R.No.949

S.A.Nos.722 and 723 of 2004

RR(CO)
kak(18/02/2019)