



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.01.2019

Coram:

The Honourable Dr.Justice G.JAYACHANDRAN

Second Appeal No.751 of 2004

Thamba Naicker,
S/o.Rama Naicker,
Olavalasu,
Arachalur Village,
Erode Taluk ... Appellant

Vs.

1. Ramnaicker,
S/o.Ramnaicken,
Arachalur Village,
Erode Taluk.
2. Subramaniam,
S/o.Ramaboyan, ... Respondents

PRAYER: Second Appeal has been filed under Section 100 of Civil Procedure Code, praying against the judgment and decree dated 11.06.2001 made in A.S.No.54 of 2001 on the file of the Principal District Judge, Erode confirmed the judgment and decree dated 28.01.2000 made in O.S.No.657 of 1996 on the file of the Principal Subordinate Judge, Erode.

For Appellant : Mrs.P.T.Ramadevi

For R2 : Mr.N.Manokaran

For R1 : Not ready notice

J U D G M E N T

The Second Appeal is arising out of the suit filed for partition between father and son.

2. The learned counsel for the appellant as well as the respondents reports that the first respondent who is the father of the appellant died on 05.05.2008, death certificate is also furnished. As far as the appellant who is the elder son of the 1st respondent reported died on 07.01.2014. It is also now

stated across the bar that other son who is the 2nd respondent also died. Thus none of the contesting parties are alive as of now. Accordingly, the Second Appeal is dismissed as abated. With the liberty to the Legal representatives of the appellant to file set aside abatement if they are so advised to revive the appeal. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To,

1. The Principal District Judge,
Erode.
2. The Principal Subordinate Judge,
Erode.

Copy to

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

+1cc to Mr.Manokaran, Advocate Sr.303

Second Appeal No.751 of 2004

mg[col]
srg 24/01/2019

सत्यमेव जयते

WEB COPY