

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :04.01.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Second Appeal Nos.868 and 869 of 2004
and
C.M.P.No.6533 of 2004

1.Maniammal
2.Pappathy
3.Sellappa Gounder

... Appellants in
both the appeals

/versus/

1.R.Palaniappan
2.R.Mani
3.Selvaraj
4.Ravichandran
(the name of the 3rd and 4th respondents
amended vide order of the Court
dated 20.01.2005 made in C.M.P.Nos.
14441/04 and C.M.P.No.14442/2004)

... Respondents in
both the appeals

Prayer in S.A.No.868/2004: Second Appeal has been filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 27.02.2003 made in A.S.No.441 of 2002 and cross objections on the file of the Principal District Judge, Namakkal partly allowing the judgment and decree dated 31.07.1991 made in O.S.No.282 of 1984 on the file of the Principal District Munsif Court, Namakkal.

Prayer in S.A.No.869/2004: Second Appeal has been filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 27.02.2003 made in A.S.No.442 of 2002 on the file of the Principal District Judge, Namakkal confirming the judgment and decree dated 31.07.1991 made in O.S.No.959 of 1984 on the file of the Principal District Munsif Court, Namakkal.

For Appellants :Mr.T.Dhaniyakumar
(in both appeals)

For Respondents :Mr.V.K.Vijayaragavan
for R1 to R4
(in both appeals)

COMMON JUDGMENT

The learned counsel appearing for the appellants in both the appeals informs that the third appellant as well as the first respondent died. The third appellant is the third plaintiff in O.S.No.282 of 1984 and the third defendant in O.S.No.959 of 1984. The above two suits have been filed for declaration and recovery of possession respectively. The learned counsel appearing for the appellants would submit that against the appeal and cross objection preferred by the respective parties, the present second appeals have been filed. In view of the death of the third appellant and the first respondent, nothing survives in these second appeals.

2. Recording the above, both the Second Appeals are dismissed as abated. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

To

1. Principal District Judge,
Namakkal.

2. The Principal District Munsif,
Namakkal.

3. The Section Officer,
V.R. Section, High Court,
Madras.

+2cc to Mr.T.Dhanya Kumar, Advocate, S.R.No.1627, 1160
+1cc to Mr.V.K.Vijayaraghavan, Advocate, S.R.No. 1146

S.A.Nos.868 and 869 of 2004
and
C.M.P.No.6533 of 2004

CP(CO)
GN(06/02/2019)