

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

S.A.No.1134 of 2005 and
C.M.P.No.15678 of 2005

Elayappa Gounder

... Appellant

Vs.

1. The Government of Tamil Nadu,
Represented by its
District Collector,
Erode.
2. The Executive Engineer - PWD,
Division - I,
East Bhavani,
Erode.
3. The Assistant Engineer - PWD,
Division - I,
East Bhavani,
Erode.
4. The Junior Engineer - PWD,
Sivagiri.

.... Respondents

Prayer: Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 07.04.2005 in A.S.No.66 of 2004 on the file of the I Additional Subordinate Court, Erode, confirming the judgment and decree dated 13.09.2004 in O.S.No.118 of 2001 on the file of the District Munsif-cum-Judicial Magistrate Court, Kodumudi.

For Appellant : Mr.Srinath Sridevan

For Respondents : Mr.N.Manikandan
Government Advocate (Civil side)

J U D G M E N T

The counsel for the appellants seek further time for taking steps to bring the legal heirs of the deceased appellant. However, already sufficient time has been granted to take steps

for impleading the legal heirs of the deceased appellant on record and proceed with the second appeal in accordance with law. Despite the same, proper steps have not been taken to implead the legal heirs of the deceased appellant and proceed with the second appeal as per law.

2. In such view of the matter, there is no purpose in keeping the second appeal pending.

In view of the above position, the second appeal is dismissed as abated. No costs. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd

To

1. The I Additional Subordinate Judge,
Erode.
2. The District Munsif-cum-Judicial Magistrate,
Kodumudi.

Copy to

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

+1 cc to the Government Pleader, S.R.No.27108

SSV(CO)
SSM(23/05/2019)

S.A.No.1134 of 2005

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