



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2019

CORAM

THE HONOURABLE MRS. JUSTICE NISHA BANU

SECOND APPEAL No.59 of 2007

Velu Thevar

... Appellant /
Appellant / Plaintiff

Vs.

1.Baluchamy

2.D.Gunasekaran

3.S.Thangasamy

4.Alagu

... Respondents /
Respondents / Defendants

(as per the order dated 30.06.2008, this second appeal is dismissed in respect of 3rd respondent)

PRAYER: Appeal filed under Section 100 of C.P.C., against the judgment and decree, dated 17.03.2006, passed in A.S.No.80 of 2005 by the Subordinate Court, Devakottai, partly confirming the judgment and decree, dated 28.06.2005 passed in O.S.No.197 of 2004 by the District Munsif, Devakottai.

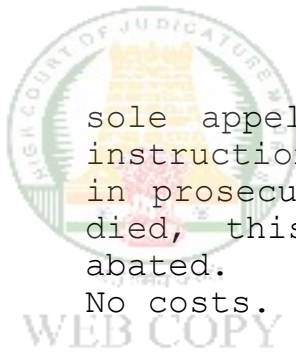
For appellant ... Mr.R.Sundar Srinivasan

For 1st respondent ... Mr.R.Sundar

JUDGMENT

When the matter came up for hearing today, the learned counsel appearing for the appellant filed a memo stating that the sole appellant died and though several communications have been sent to the son of the sole appellant by name Mr.V.Gopal seeking necessary details with regard to legal representatives, till date he has not received any instructions from the son of the appellant and hence, he reports "no instructions".

2. The suit is of the year 2004. This second appeal has been filed against the concurrent judgment passed by the Courts below in the year 2007. In view of non filing of batta for notice, this second appeal has already been dismissed in respect of the 3rd respondent on 30.06.2008. The appellant has not paid II-batta for issuing notice to the 2nd respondent. From the submission of the learned counsel for the appellant that the sole appellant died and even after communications sent to the legal representative of the



sole appellant ie., son of the appellant, he has not given any instructions, it appears that son of the appellant is not interested in prosecuting the matter further. However, as the sole appellant died, this Court is inclined to dismiss this second appeal as abated. Accordingly, this second appeal is dismissed as abated. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

gcg

To

1.The Subordinate Court,
Devakottai.

2.The District Munsif,
Devakottai.

3.The Record Keeper, (2 copies)
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.R.SUNDAR, Advocate (SR-99435[F] dated 19/11/2019)

+1 CC to Mr.R. SUNDAR SRINIVASAN, Advocate (SR-100136[F] dated 21/11/2019)

S.A. (MD) No.59 of 2007
19.11.2019

VB(11.12.2019) 2P 7C