



WEB COPY

S.A.(MD)No.238 of 2009

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2019

CORAM

THE HONOURABLE MRS.JUSTICE R. THARANI

S.A. (MD)No.238 of 2009

and

M.P. (MD)No.3 of 2011

G.Palraj

... Appellant/Appellant/Plaintiff

Vs.

1. Seeniammal

2.Minor Lalithambigai,

Rep. by Her Mother and Guardian,
Seeniammal.

3.Minor.Varatha Rajan

D/o.Seeniammal,

Rep. by his Mother and Guardian,
Seeniammal,

4. Augustus

5. Dharmalingam

... Respondents/Respondents/
Defendants

6.Parimala Gandhi,

(R-6 Impleaded as Party Respondent
vide order dated 02/04/2014 in

M.P. (MD)No.1/14 in S.A.No.238/2009)

... Respondent

Prayer : This Second Appeal is filed under Section 100 of Civil Procedure Code, against the judgment and decree passed in A.S.No.50 of 2007 on the file of the learned Principal District Judge, Madurai, dated 30.06.2008 confirming the judgment and decree passed in O.S.No.397 of 2004 on the file of the Principal Subordinate Judge, Madurai, dated 28.09.2007.

For Appellant

: Mr.J.Barathan

For R1 to R3

: Mr.R.Suriyanarayanan

For R6

: Mr.K.Guhan

R4 & R5

: Ex-parte vide E.B.

J U D G M E N T

The learned counsel appearing for the appellant and the learned counsel appearing for the respondents 1 to 3 and 6 are present.



2.The learned counsel for the appellant was represented on 05.07.2019 has stated that the sole appellant was dead and hence, the appeal was adjourned to 12.07.2019, for taking steps to implead the legal heirs of the deceased appellant. Thereafter, the matter was listed on 15.07.2019 and 26.07.2019. On all those days, no steps were taken by the learned counsel for the appellant to implead the legal heirs of the deceased sole appellant.

3.Today (13.08.2019), when the matter was taken up for hearing, on the side of the appellant, it is stated that the appellant's counsel could not contact the legal heirs of the deceased sole appellant.

4.Since this Second Appeal is pending from the year 2009, there is no use in keeping the appeal pending further. Hence, this Second Appeal is dismissed as abated. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

Sub Assistant Registrar(CS)

Ls

To

1.ThePrincipal District Judge, Madurai.

2.The Principal Subordinate Judge,
Madurai.

3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1CC TO MR.K.GUHAN, Advocate Sr. No.81374

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and

M.P.(MD)No.3 of 2011

13.08.2019

MR(CO)

TR (27.08.2019) 2P 6C