



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2019

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

S.A(MD)No.949 of 2009

- 1)Abimannan
- 2)Chinna Chamy
- 3)Muthu Pillai
- 4)Selvarani
- 5)Lakshmi
- 6)Alaguraja
- 7)Chelladurai

... Appellants

(A3 to A7 are brought on record as LR's of the deceased A1 vide order dated 11.06.2019 made in CMP.1 to 3/15)

vs.

- 1)Potti Ammal
- 2)Muthumani
- 3)Petchi Ammal
- 4)Valli Ammal

... Respondents

Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decree dated 28.10.2005 passed in A.S.No.16/2005 on the file of the Third Additional Subordinate Judge, Madurai, reversing the judgment and decree dated 21/09/2004 passed in O.S.No.133/1999 on the file of the District Munsif, Usilampatti.

For Appellants : Mr.T.R.Jeyapalam
For R2 to R4 : Mr.K.R.Laxman

JUDGMENT

The second appeal has been filed against the judgment and decree dated 28.10.2005 passed in A.S.No.16/2005 on the file of the IIIrd Additional Subordinate Court, Madurai, reversing the judgment and decree dated 21/09/2004 passed in O.S.No.133/1999 on the file of the District Munsif Court, Usilampatti.

2.Learned counsel for the respondents would submit that pending second appeal, respondents 3 and 4 died. The 3rd respondent died on 05.11.2017 leaving behind her husband Sivan Kalai aged 60 years and son Palpandi aged 27 years. Further, the 4th respondent died on 09.04.2019 without any legal heir. It is also submitted that the 1st respondent and 1st appellant also died on 20.01.2010 and 17.02.2014 respectively. To that effect, the respondents 2 to 4 have also filed memo furnishing the details of the legal heirs of the deceased parties.



3.Today, when the matter is taken up for hearing, learned counsel for the appellant would submit that in spite of contacting the parties, there is no response and therefore would pray to pass appropriate orders.

4.The second appeal is of the year 2009 and though memo has been filed by the respondents 2 to 4 furnishing the details of the legal heirs of the deceased parties, no steps have been taken till date. Though the counsel for the appellants had contacted the appellants several times, there is no response. Therefore, the second appeal is dismissed as abated. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1)The IIIrd Additional Subordinate Judge,
Madurai.

2)The District Munsif,
Usilampatti.

S.A(MD)No.949 of 2009
13.09.2019

BALA

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