

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2020

CORAM:

THE HONOURABLE MR.G.K.ILANTHIRAIYAN

S.A.No. 450 of 1994

1.Anandayee Ammal(died)

2.D.Devanatha

(2nd Appellant is brought on record as legal heirs of the
deceased 1st Appellant vide C.M.P.No.7938 of 1997)
..Appellants

Vs.

1.Arjuna Gramani (deceased)

2.Rajambal

3.Neelambal(died)

4.Sridaran

5.Nadarajan(deceased)

6.Janarthanan

7.Kanagavalli

8.Sridevi (deceased)

9.Natchiar(deceased)

10.Arul

11.Kaladevi

12.Madhavi

13.Kumarappan

14.Baskaran

15.Narasinga Bharathi

16.Kannagi

(RR11 to 16 declared as major and the guardian discharged from
guardian ship vide order dt.28.3.2002 made in CMP No.1383/02)

17.Namadevu

18.A.Gnanamurthy

19.S.Chandrasekaran

20.S.Madhavan

21.S.Saravanan

22.S.Shankar

23.S.Elango

24.S.Durgadevi

25.N.Namadevan

26.N.Sadagopan

27.Indirani
28.Muthukumarasamy
29.Karpagam
30.Vijayalakshmi
31.Sivagama Sundari
32.Baradhan
33.Seethapathi
34.Sathupathi
35.Ragupathi
36.Karthigeyan
37.Prabavathi
38.Amsaveni
39.Komathi

*(R18 to R24 are brought on record as legal heirs of the deceased 1st respondent vide order of Court dated 20.02.2008 made in C.M.P.No. 519 & 520 of 2005 in S.A.No.450 of 1994)

*(R25 & 26 are brought on record as legal heirs of the deceased, 3rd respondent vide order of Court dated 18.03.2014 made in C.M.P.Nos.1848 to 1850/2009 in S.A.No.450 of 1994)

*(R27 to 31 are brought on record as legal heirs of the deceased, 5th respondent vide order of Court dated 06.06.2014 made in C.M.P.Nos.1851 to 1859/2009 in S.A.No.450 of 1994)

*(R32 to R38 are brought on record as legal heirs of the deceased, 8th respondent vide order of Court dated 06.06.2014 made in C.M.P.Nos.1851 to 1859/2009 in S.A.No.450 of 1994)

*(R39 brought on record as legal heir of the deceased, 9th respondent vide order of Court dated 06.06.2014 made in C.M.P.Nos.1851 to 1859/2009 in S.A.No.450 of 1994)

...Respondents
*The second appeal is dismissed as abated as against the 32nd respondent vide order dated 19.12.2019).

Prayer: Second Appeal filed under Section. 100 of C.P.C. against the judgment and decree dated 25.08.1993 made in A.S.No.144 of 1989, on the file of the Court of the Second Additional District Judge at Pondicherry, setting aside the judgment and preliminary decree dated 12.04.1988 made in O.S.No.73 of 1980, on the file of the Court of the First Additional Sub-Judge at Pondicherry.

For Appellant :Mr.T.P.Manoharan

For Respondents:Mr.T.R.Rajaraman for R4 to R7
Mr.K.Selvarajan for R10 to R17
Mr.A.Umapathy for R25 to R26
Respondents 1, 2, 3, 8 & 9 died
Respondents 11 to 20, 21 to 24, 27,
28, 29 to 31, 33 to 39-Notice served
R32 died

J U D G M E N T

This second appeal has been filed against the judgment and decree dated 25.08.1993 made in A.S.No.144 of 1989, on the file of the Court of the Second Additional District Judge at Pondicherry, setting aside the judgment and preliminary decree dated 12.04.1988 made in O.S.No.73 of 1980, on the file of the Court of the First Additional Sub-Judge at Pondicherry.

2. Originally the sole appellant filed this second appeal and she died. Subsequently, her son was impleaded as appellant. Now, the said appellant also died. The learned counsel appearing for the appellant submitted that no instructions from the legal heirs of the deceased appellant. Therefore, this second appeal is dismissed as abated. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kkn

To:-

1.The Second Additional District Judge,
Pondicherry.

2.The First Additional Sub-Judge,
Pondicherry.

+1cc to M/s.T.P.Manoharan, Advocate SR.4520
+1cc to M/s.T.R.Rajaraman, Advocate SR.4512

S.A.No. 450 of 1994

BP(CO)
CB(25/02/2020)