

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.12.2020
CORAM
THE HONOURABLE MR. JUSTICE S.S.SUNDAR
A.S. No.325 of 2003

1. Sardar Thaher Hussain
2. Sardar Zackria Hussain ... Appellants/
Plaintiffs 2 & 3

Vs.

1. Mohammad Kasim Sahib
2. Noor Mohammad Sahib
3. Mohammed Ibrahim Sahib
4. Aziza Banu
5. Ahamada Banu
6. Akthar Banu
7. Saleema Banu ... Respondents

Appeal suit filed under Section 96 and Order 41, Rule 1 of Civil Procedure Code against the judgment and decree dated 05.11.1990 passed in O.S. No.241 of 1776 on the file of the Subordinate Judge, Salem.

For Appellants : Ms. Gayathri
for P.B.Ramanujam

For Respondents : Mr. S.Mukunth
for Sarvabhauman Associates1 to3
RR4 to 7 : Not ready in notice
R1 : No Appearance

JUDGMENT

This appeal is preferred against the judgment and decree dated 05.11.1990 passed in O.S. No.241 of 1776 on the file of the Subordinate Judge, Salem.

2. It is represented that the second appellant and first respondent in the appeal died long back and no steps have been taken so far.

3. This Court, though gave an opportunity to the learned counsel on either side to get instructions and inform this Court about the details of other respondents, no steps have been taken to bring on record the legal representatives of the deceased second appellant and first respondent. The learned counsel

appearing on either side reported that they could not contact their clients.

4. This Court has no other option but to dismiss the appeal as abated and accordingly, the Appeal Suit is dismissed as abated. No costs. It is open to the appellants to file appropriate petition to set aside the abatement if they have sufficient reasons.

Sd/-
Assistant Registrar (CS XI)

/true copy/

Sub Asst. Registrar

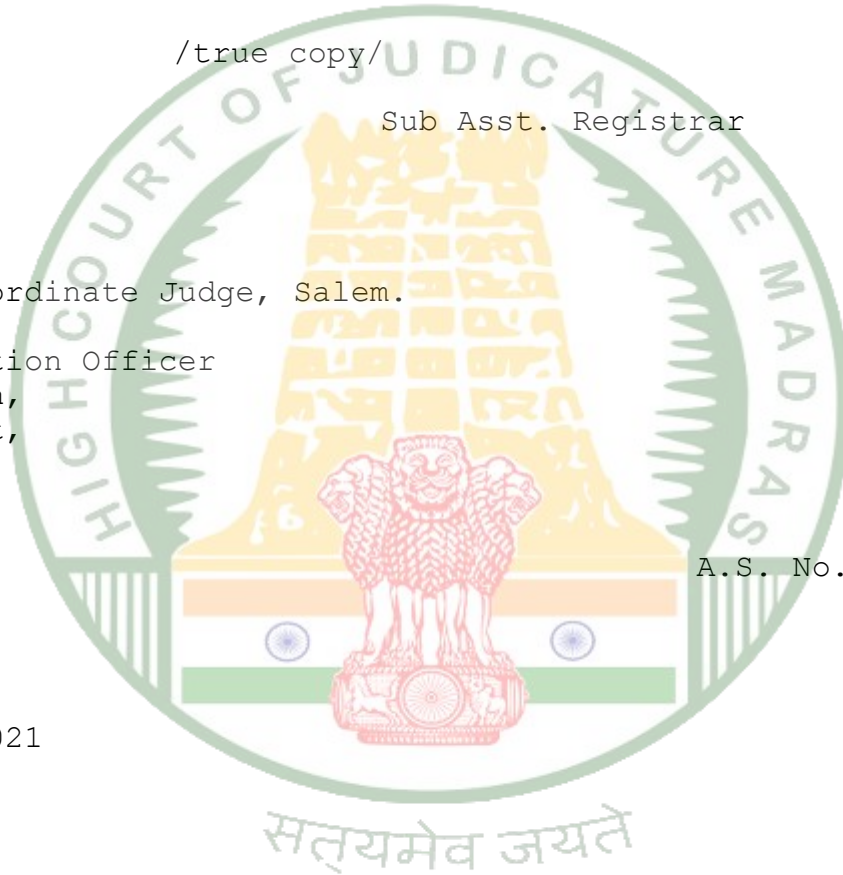
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To

1.The Subordinate Judge, Salem.

2.The Section Officer
VR Section,
High Court,
Madras

A.S. No.325 of 2003

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