

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2020

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

S.A.No.163 of 1998

1.A.Muthusamy
2.M.Pappathiammal
3.A.Perumal

..Appellants

Vs.

1.K.Chinnappan
2.C.Muthulingam
3.C.Sundarrajan
4.C.Gnanachandran
5.Nagalakshmi
6.Jayalakshmi
7.Baby
8.V.Bupathi
9.V.Sivanandam
10.A.Marimuthu
11.A.Arumugham
12.Jothilingam
13.Sivalingam
14.Chandra
15.Saraswathi
16.Seethalakshmi
17.Gomathi
18.Kaveri
19.Chitra
20.Lakshmi

..Respondents

(Respondents 10 to 20 herein remained ex-parte
in the A.S. Hence, they are given up in this S.A.)

PRAYER: The Second Appeal is filed under Section 100 of CPC against the judgement and decree dated 25.09.1997 made in A.S.No.58 of 1997 and the Cross Objection, on the file of the Additional Sub Judge, Salem, reversing the Judgement and Decree dated 09.01.1995 made in O.S.No.1287 of 1987 on the file of the Court of the Principal District Munsif at Salem.

For Appellants : Mr.T.M.Naveen
for M/s.D.Kamatchi
For Respondents
For R2 to R4 : Mr.P.Jagadesan
For R10 to R20 : Given up
For R1 : Died
For R5 to R7 : Notice Served-No appearance
For R8 & R9 : Not ready in notice

J U D G M E N T

The second appeal is directed as against the judgment and decree dated 25.09.1997 made in A.S.No.58 of 1997 and the Cross Objection, on the file of the Additional Sub Judge, Salem, reversing the Judgement and Decree dated 09.01.1995 made in O.S.No.1287 of 1987 on the file of the Court of the Principal District Munsif at Salem.

2. The learned counsel appearing for the appellants submitted that all the appellants died long back, even though the legal heir of the appellants did not take any steps to implead themselves as party to the proceedings. It shows that they have no interest to proceed with the case.

3. Therefore, this second appeal is dismissed as abated. However, it open to the legal heirs of the deceased appellants to file petition to set aside the abatement. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Subordinate Judge, Salem.

2. The Principal District Munsif, Salem.

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VD(CO)
CB(02/03/2020)