

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2020

CORAM

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

SA.No.1320 of 1999 and
Cros.Obj.No.149 of 2010 and CMP.Nos.12193 of
2004 and 13766 of 1999

Kannan alias Veerabadhran

...Appellant/Defendant in SA
... 1st respondent in Cros.Obj

Vs.

1.Poongothai

... 1st respondent
Cros.Obj/Plaintiff (in SA) (in Cros.Obj)

2.Kannammal

3.Venunatha Goundar

4.Narayanasamy Gounder

5.Kuppusamy Gounder

6.Ranganatha Kounder

7.Subramania Gounder

8.Pandurangan

9.Muthammal

... Respondents 2 to 9/Defendants 2 to 9(in SA)
... Respondents 2 to 9 (in Cross Objection)

PRAYER:

The Second Appeal is filed under Section 100 of CPC against the judgment and decree dated 30.03.1999 in A.S.No.88 of 1996 on the file of the Additional District Judge, Villupuram modifying the judgment and decree dated 29.06.1996 in O.S.No.1126 of 1988 on the file of the Additional District Munsif, Villupuram.

For Appellant : Mr.V.Raghavachari for appellant(in SA)
and for R1 (in Cros.Objectection)

For Respondents
R1 : Mr.T.Dhanyakumar
(in SA) and
for Cros Objection
(in Cros.Objection)

: R2 to 7, 9 - notice served-No Appearance
: R8 - exparte

JUDGMENT

The second appeal is directed as against the judgment and decree dated 30.03.1999 in A.S.No.88 of 1996 on the file of the Additional District Judge, Villupuram modifying the judgment and decree dated 29.06.1996 in O.S.No.1126 of 1988 on the file of the Additional District Munsif, Villupuram.

2. The learned counsel for the first respondent submitted that the respondents 1,4,5,7 and 8 died. The learned counsel for the appellant also submitted that the sole appellant died long back and they could not get instruction from the legal heirs of the sole appellant.

3. It is seen that though the sole appellant died long back, the legal heirs of the sole appellant have not taken any step to implead themselves as party to the second appeal, which shows that they have no interest to proceed with the second appeal. Therefore, the second appeal is liable to be dismissed as abated. Further, it is also seen that the sole objector also died, however the legal heirs have not taken any step to implead themselves as party. Therefore, the cross objection petition is also liable to be dismissed.

4. Accordingly, the second appeal is dismissed as abated, and the cross objection petition in Cros.Obj.No.149 of 2010 is also dismissed as abated. Consequently, connected miscellaneous petitions are closed. No costs.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Additional District Judge,
Villupuram

2.The Additional District Munsif,
Villupuram.

+1cc to Mr.T.Dhanyakumar, Advocate sr.5453

SA.No.1320 of 1999
and
Cros.Obj.No.149/10

vd(co)
nr 05/03/2020



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