

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

CORAM

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

SA.No.1595 of 2001
and
CMP.No.16834 of 2001

J.M.Ramasamy ..Appellant/1st Defendant

Vs.

1.K.M.Ramasami
2.K.Komaru Gounder
3.K.Mathaiya Udayar
4.N.Kuppusamy Respondents 1 to 4/Plaintiffs

5.P.Nalliappan Respondents 5 & 6/Defendants 2 & 3

6.P.Sundaram

7.K.Perumal

8.Erotti @ Kandasamy Nadar

9.N.Elayappa Gounder

10.K.Ganesan

11.P.Sundaram

12.R.Karuppanna Gounder

13.M.Kandasamy

14.K.Ganapathi

15.Rathinam

16.Ramalingam

.. Respondents/Respondents

PRAYER: The Second Appeal is filed under Section 100 of CPC against the judgment and decree dated 02.08.2000 in A.S.No.25 of 1997 on the file of the III Additional District Court, Salem reversing the judgment and decree dated 31.10.1996 in O.S.No.187 of 1994 on the file of the Subordinate Judge, Namakkal.

For Appellant : M/s.P.Mahalakshmi

For Respondents

For R2 to 4 : Mr.V.Srinivasan

: R1 - disd by court
order dated 02.01.2020

: R9 - died

R5to8,10,13to 16 - notice served

: R11 & 12 - not ready in notice

JUDGMENT

The second appeal is directed as against the judgment and decree dated 02.08.2000 in A.S.No.25 of 1997 on the file of the III Additional District Court, Salem reversing the judgment and decree dated 31.10.1996 in O.S.No.187 of 1994 on the file of the Subordinate Judge, Namakkal.

2. The learned counsel for the appellant submitted that except the first respondent, other respondents were already given up. Therefore, nothing survives in this second appeal to proceed further, since the second appeal was already dismissed as abated as against the first respondent.

3. Accordingly, the second appeal is dismissed. However liberty is given to the appellant to file the petition to set aside the abatement by filing an application to bring the legal heirs of the deceased first respondent. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Lok

To

1.The III Additional District Court,
Salem

2.The Subordinate Judge,
Namakkal.

SA.No.1595 of 2001

SJ(CO)
GN(26/02/2020)

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