

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.12.2020

CORAM:
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Second Appeal No.2118 of 2001
and
C.M.P.No.22147 of 2001

T.V.Anbalagan : Appellant/Appellant/Plaintiff
/versus/

1.M.Letchmanan

2.M.Jeyakumar

3.M.Jegaraman

4.A.Bhanumathi

5.N.Krishnammal : Respondents/Respondents/Defendants

Prayer: Second Appeal has been filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 13.08.2001 made in A.S.No.15 of 2000 on the file of the learned Additional District Judge, Nagapattinam, confirming the judgment and decree dated 22.06.2000 made in O.S.No.38 of 1998 on the file of the learned Additional Sub Judge, Myladuthurai.

For Appellant :No Appearance
For Respondents :No Appearance for R2 to R4
M/s.P.Sreevidhya for R5

J U D G M E N T

(The case has been heard through Video Conferencing)

The suit for specific performance in O.S.No.38 of 1998 was filed by the appellant/plaintiff based on the alleged sale agreement dated 07.03.1995. The same was defended by the 5th defendant N.Krishnammal and the 1st defendant Letchmanan, alleging that the said agreement for sale is a fabricated document created by the plaintiff along with other defendants.

2. The Courts below concurrently held that the plaintiff namely T.V.Anbalagan is not entitled for enforcing the said sale deed. The plaintiff has failed to prove the genuinness of the

alleged sale agreement, against which the present second appeal is filed.

3. Learned counsel for the appellant reports that he has given change of vakalat and no instructions from the appellant.

4. Learned counsel for the respondent reports that the second respondent died on 04.01.2013, the fourth respondent died on 11.11.2019 and the fifth respondent died on 01.11.2019. No steps taken to bring their L.Rs. on record and the connected A.S. filed for partition already dismissed by this Court on 14.12.2020 as abated. Therefore Second Appeal is also dismissed as abated since nothing survives. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Vri

To:

1. The Additional District Judge,
Nagapattinam.
2. The Additional Sub Judge,
Myladuthurai.

Copy to: The Section Officer,
VR Section,
High Court, Chennai.

+1cc to Mr.A.Muthukumar, Advocate, SR.No.41237.

PVS (CO)
CSR 10.03.2021

S.A.No.2118 of 2001