

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.01.2020

CORAM

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

SA.NO.439 OF 2001

Rathina Padayachi

..Appellant/Plaintiff

Vs.

1.Perumal Padayachi
2.Mani
3.Ramasamy Padayachi

..Respondents/Defendants

PRAYER:

The Second Appeal is filed under Section 100 of CPC against the judgment and decree dated 02.12.1999 in A.S.No.113 of 1991 on the file of the Subordinate Judge, Ariyalur, confirming the judgment and decree dated 29.04.1991 in O.S.No.167 of 1982 on the file of the District Munsif, Jayankondam.

For Appellant : No Appearance

For Respondents : R1 - died
R2 and R3 - not ready notice

JUDGMENT

The second appeal is directed as against the judgment and decree dated 02.12.1999 in A.S.No.113 of 1991 on the file of the Subordinate Judge, Ariyalur, confirming the judgment and decree dated 29.04.1991 in O.S.No.167 of 1982 on the file of the District Munsif, Jayankondam.

2. In this second appeal, there are three respondents, in which the first respondent died long back, and the appellants did not take any step to implead the legal heirs of the deceased first respondent. Further they also did not take any step to serve notice to the respondents 2 and 3 even till today. Therefore, this second appeal is dismissed as abated as against the first respondent. Insofar as the other respondents, the second appeal is liable to be dismissed for default.

3. Accordingly, the second appeal is dismissed for default.
No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge,
Ariyalur
2. The District Munsif,
Jayankondam.

SA.No.439 of 2001

EV(CO)
CS/09/03/2020



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