

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:09.10.2020

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

S.A.No.862 of 2009

1.Gunasekaran  
2.Bhuvaneshwari  
3.Kanagambal  
4.Rajayogam  
5.Viswanthan  
6.Krishnan  
7.Thiruganasampanthan  
8.Roobavathi

.. Appellants/Defendants  
1 and 3 to 9

//versus//

1.G.Varatharajan

2.The Special Officer,  
Salem Corporation, Salem.

.. Respondents/Plaintiff and  
2<sup>nd</sup> Defendant

Prayer: This Second Appeal has been filed under Section 100 of the Civil Procedure Code against the judgment and decree passed in A.S.No.52 of 2006 on the file of the Additional Sub Judge, Salem, dated 09.11.2006 confirming the judgment and decree passed in O.S.No.182 of 2004 on the file of the Second Additional District Munsif, Salem, dated 02.02.2006.

For Appellant :Mr.S.D.Balaji

For Respondents:Ms.Srividhya for R1

Mr.K.Sridhar for R2

JUDGMENT

(The case has been heard through video conference)

The suit was filed by one G.Varatharajan against P.Gunasekaran for declaration and mandatory injunction. The Special Officer, Salem Corporation, Salem is a formal defendant. The Trial Court decreed the suit and the same was confirmed by

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the first appellate Court. Hence, the defendants preferred the second appeal. Pending second appeal, the 1<sup>st</sup> respondent/plaintiff died and the same was intimated to the appellants on 08.12.2014.

2.The learned counsel appearing for the appellants reports that the first appellant /first defendant Gunaseakaran also died and the appellants are not interest in pursuing the case against the legal heirs of the deceased 1<sup>st</sup> respondent/plaintiff.

3.Recording the same, this second appeal is dismissed as abated. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Additional Sub Judge, Salem.

2.The II Additional District Munsif, Salem.

Copy to:  
The Section Officer,  
VR Section, High Court,  
Madras-104.

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CB(06/11/2020)

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