

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:05.08.2020

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Second Appeal No.1494 of 2010

V.Somasundaram

.. Appellant/Appellant/Plaintiff

/versus/

1.Rotary Club Mamandur,
by its President,
P.G.George,
No.4, Andal Lodge,
GST Road,
Madurantagam Town & Taluk.

2.Rotary Club,
rep.by its Secretary,
A.Vijayakumar,
No.4, Devarayanar Street,
Vedhachalam Nagar,
Chengalpattu Town & Taluk.

3.Rotarian S.V.R.M.Ramanathan
R.1, District Governor, 3230 Rotary Club,
No.152, Purasawalkam, Chennai 10.

4.Branch Manager,
Indian Bank,
Mamandur Branch, G.S.T. Road,
Mamandur Village & Post,
Madurantagam Taluk,.

No relief sought for against R4.

Hence, R4 given up.

.. Respondents/Respondents/Defendants

Prayer: Second Appeal has been filed under Section 100 of C.P.C. against the judgment and decree dated 01.04.2010 passed in A.S.No.10 of 2009 on the file of the Sub Court, Madurantakam, Kancheepuram District confirming the judgment and decree dated 07.11.2007 passed in O.S.No.277 of 2004 on the file of the District Munsif Court, Madurantakam.

For Appellant

: Mr.Sriram for
Mr.K.Govi Ganesan

For R1 to R3 : Mr.V.T.Narendiran

For R4 : Given up

J U D G M E N T

(The case has been heard through video conference)

This appeal is filed by the plaintiff being aggrieved by the dismissal of his suit for declaration to declare his removal from the membership of the first defendant/respondent Club as null and void.

2. Today, the learned counsel appearing for the appellant submits that the appellant died and no cause of action survives after his death.

3. Applying the principle of Actio Personalis Moritur cum Persona" this appeal is dismissed as abated.

4. Accordingly, this Second Appeal is dismissed as abated. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Subordinate Judge, Madurantakam, Kancheepuram.
- 2.The District Munsif Court, Madurantakam.

Copy To:

The Section Officer, Vernacular Records,
High Court, Madras-600 104.
+1cc to Mr.K.Govi Ganesan, Advocate SR.26162

S.A.No.1494 of 2010

RSK(CO)
VS 27.08.2020