

IN THE HIGH COURT OF JUDICATURE OF MADRAS

10.02.2020

Coram:

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

S.A.No.983 of 2012

and

M.P.No.1 of 2012

A.Susairaj

... Appellant

vs.

1.Thiru.Francis Xavier

2.Rev.Fr.Peter

The Superintendent & Administrator,
Office at St.Roque's Cemetery,
No.40, M.C.Road,
Old Washermanpet,
Chennai-600 021

.... Respondents

Second Appeal is filed against the judgement and decree, dated 05.08.2011, passed by the V Additional City Civil Court, Chennai, in A.S.No.525 of 2010, reversing the judgement and decree dated 28.07.2010, passed by the VIII Assistant City Civil Court, Chennai, in O.S.No.2797 of 2008.

For appellant :: Mr.P.A.Chithramani

For Respondents :: Mr.D.Nellaiappan for R1

No appearance for R2

JUDGEMENT

This Second Appeal is filed by the second defendant in the suit as against the judgement and decree, dated 05.08.2011, passed by the V Additional City Civil Court, Chennai, in A.S.No.525 of 2010, reversing the judgement and decree, dated 28.07.2010, passed by the VIII Assistant City Civil Court, Chennai, in O.S.No.2797 of 2008, which was one for declaration and permanent injunction.

2.When the matter is taken up for hearing, it is represented by Mr.D.Nellaiappan, learned counsel appearing for the first respondent that the appellant died as early as on 19.05.2014. In support of his submission, the learned counsel would submit the death certificate of the appellant/A.Susairaj.

3.However, it appears that on behalf of the appellant repeated adjournments have been sought to bring the Legal Representatives of the appellant on record. Even on the earlier occasion, it was represented by the learned counsel for the appellant that the communication sent by him to the Legal Representatives has been returned. Since the death of the appellant has happened almost six years before and effective steps have not been taken so far to bring the Legal Representatives of the appellant on record, the Second Appeal stands dismissed as abated. No costs. Connected miscellaneous petition is dismissed.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To

1.The V Additional City Civil Court, Chennai.

2.The VIII Assistant City Civil Court, Chennai.

+1 CC to Mr.D.Nellaiappan, advocate sr 10448.

S.A.No.983 of 2012

NR(CO)
SP(05/03/2020)

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