

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2021

CORAM

THE HONOURABLE MR. JUSTICE T. RAVINDRAN

S.A.No. 1640 of 2008

and

M.P.No.1 of 2008

Arunachalam Chettiayar
S/o. Shanmugavelu Chettiar

... Appellant

Vs.

1. Nagore Pazhanimuthu Trust
Nagapattinam
Rep. by its Trustee
Chandrasekaran
29, Sivan KeelaVeethi
Nagore, Nagapattinam
2. Baskaran @ Boss
S/o. Shanmugavadivelu
3. Nagarajan
S/o. Shanmugavadivelu
4. The Tahsildar
Having office at
Vellipalayam
Nagapattinam
5. Government of Tamilnadu
Rep. by
District Collector
Having Office at
South Palpannaicherry
Nagapattinam

... Respondents

Prayer: Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree of Sub Court, Nagapattinam, dated 06.07.2006 made in A.S. No.25/2006 confirming judgment and decree of District Munsif Court, Nagapattinam dated 07.03.2006 made in O.S.No.263/2003.

For Appellant : Mr. S. Sounthar

For Respondents

For R1 to R3 : Mr. S. Sathyamurthi

For R4 and R5 : Mr. N. Manikandan

Government Advocate (CS)

JUDGMENT

Both counsel present.

2. It is represented by the appellant's counsel that the sole appellant had died and his legal heirs had not come forward to prosecute the appeal further and accordingly submits that the appeal may be dismissed as abated and undertakes to file a memo to that effect.

3. In the light of the abovesaid factors, inasmuch as no steps have been taken for the deceased appellant by the legal heirs for the prosecution of the second appeal further, resultantly, the second appeal is dismissed as abated. No costs. Consequently, connected miscellaneous petition is closed. The counsel for the appellant is directed to file a memo in the Registry pointing to the above immediately.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

bga

To

1.The Sub Court,
Nagapattinam.

2.The District Munsif Court,
Nagapattinam.

3.The Section Officer,
VR Section, High Court, Madras.

+1cc to the Government Pleader SR.10814

S.A.No. 1640 of 2008

SR II(CO)
CB(19/03/2021)

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