



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

CORAM

THE HON'BLE MS. JUSTICE R.N.MANJULA

S.A. NO.1135 OF 2009

AND

MP.NOS.1 &2 OF 2009

1.S.Anbarasan

2.N.Vaithiyanathan

... Appellants

.Vs.

Arulmigu Bava Owshatheeswara

Swamy, Thirukkoil Devasthanam

Rep. By Executive Officer,

Sannathi Street,

Thiruthuraipoondi.

... Respondent

PRAYER :

This Second Appeal filed under Section 100 C.P.C., against the judgement and decree passed in A.S.No.29/2008 dated 03.12.2008 on the file of the Sub Court, Mannargudi reversing the judgment and Decree passed in O.S.No.15/2005 dated 30.11.2007 on the file of the District Munsif Court, Thriuthuraipoondi.

For Appellants : Ms.A.Ilango

For Respondent : No appearance

JUDGEMENT

(Heard through video conferencing)

This Second Appeal is filed to set aside the judgement and decree of the learned Sub Judge, Mannargudi passed in A.S.No. 29/2008 dated 03.12.2008, reversing the judgement and Decree passed in O.S.No.15/2005 dated 30.11.2007 on the file of the District Munsif Court, Thriuthuraipoondi.

2. The learned counsel for the appellant submitted that the First appellant died and he could not get any instructions from the parties about the legal representative of the deceased 1st appellant. Sofar as the 2nd appellant is concerned, the learned counsel for the appellant reports no instructions. It is further



submitted that the Decree has been passed abated as against the 1st appellant.

In view of the same, the Second Appeal itself seems to have got abated and consequently this appeal is dismissed as abated. No costs. Consequently, connected miscellaneous petitions if any are also closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

jrs

To

1. The Sub Judge, Mannargudi
2. The District Munsif Court,
Thriuthuraipoondi.
3. The Section Officer,
V.R.Section,
High Court,
Madras.

S.A. No.1135 of 2009
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JPII(CO)
PM/30/11/2021