



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

S.A.NO.687 OF 2007

AND

M.P.NO.1 OF 2007

1. Faritha Begam
2. Thajunisa
3. Fathima Jinnah

... Appellants

vs.

1. Velur Sri Vaithiyanatha Swamy
Devasthanam, Vaitheeswaran Koil
represented by its Aadhinakarthar,
Sri Shanmuga Desiga Gnanasambanda
Paramachariya Swamigal, Dharmapuram
Mutt, Dharmapuram, Mayiladuthurai.
2. The Sub-Registrar,
Sirkali, Sirkali Town,
Nagapattinam District.
3. Mohammed Maideen
4. Thahijudeen
5. Abdul Azeez

... Respondents

PRAYER:- The second appeal has been filed under Section 100 of C.P.C against the judgment and decree passed in A.S.No.57 of 2000 dated 15.12.2006 on the file of the Court of the Principal Sub-Ordinate Judge, Mayiladuthurai confirming the judgment and decree passed in O.S.No.383 of 1986 dated 21.11.1994 on the file of the Court of District Munsif, Sirkali.

For Appellants : Mr.V.Muthukumar

For Respondent No.1 : Mr.B.Jawahar

Respondent Nos.2 & 4 : Served
No appearance

Respondent Nos.3 & 5 : Left India



JUDGMENT

The learned counsel for the appellants submits that he had sent a letter to the appellants intimating the date of hearing of this second appeal and the said registered letter was returned with an endorsement that the third appellant is dead. He would also submit that till date, the appellants have not given the particulars of the legal representatives of the deceased third appellant.

Since steps have not been taken to bring on record the legal representatives of the deceased third appellant and further the relief sought for by the appellants in the suit cannot be separated, the second appeal is dismissed as abated. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Sub-Registrar,
Sirkali, Sirkali Town,
Nagapattinam District.
2. The Principal Sub-Ordinate Judge,
Mayiladuthurai.
3. The District Munsif,
Sirkali.

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M.P.NO.1 OF 2007

RK(CO)
PBS/04/07/2021