



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2021

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Second Appeal No.422 of 2009
and
M.P.No.1 of 2009

1.Haji S.M.Bathuruddin
2.S.M.B.Halima (Deceased)

3.S.B.Kuthubudeen
4.S.B.Muhamed Isamil
5.S.B.Malick
(Appellant 3 to 5 brought on record
as LR's of the deceased 2nd appellant
vide order of Court dated 28.04.2015
made in M.P.1 to 3 of 2014 in
S.A.422/09)

... Appellant

Vs.

1.T.Madurambiga Ammal
Wife of A.Thiyagarjappa

2.T.D.Deenadayalappa
3.Vasanth
4.Kamala
5.Dhanalakshmi
(R2 to R5 exparte in Lower Court)

... Respondents

Prayer:- The Second Appeal filed under Section 100 of C.P.C., against the judgment and decree dated 27.06.2008 in A.S.No.608 of 2005, on the file of the II Additional Judge, City Civil Court, Madras in confirming the judgment and decree dated 24.03.2005 in O.S.No.2038 of 1996, on the file of the II Assistant City Civil Judge, Madras.

For Appellants : Mr.Joseph Stalin
for Mr.V.Raghavachari

For Respondents: R1 - dismissed as abated vide order
dated 28.06.2021
R2 to R5 - exparte



J U D G M E N T

(The case has been heard through video conference)

On 07.11.2019, this Court had passed the following order:

"The learned counsel for the appellant is directed to take steps to bring on record the legal representatives of the deceased 1st respondent. If no steps are taken to bring on record the legal representatives for the deceased 1st respondent before the next hearing, the second appeal shall stand automatically dismissed as abated as against R1."

2.Today, C.M.P has not been numbered for bringing the legal heirs of the deceased 1st respondent. Considering the order dated 07.11.2019, the second appeal stands dismissed as against the 1st respondent. The 1st respondent is the plaintiff in the suit. Considering the fact that the second appeal is abated as against the contesting 1st respondent, the second appeal stands dismissed as abated. Consequently, the connected miscellaneous petition is also dismissed. No costs.

Sd/-

Assistant Registrar(VI)

//True copy//

Sub Assistant Registrar

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To.

1. The II Additional Judge
City Civil Court
Madras
2. The II Assistant City Civil Judge
Madras
3. The Section Officer,
VR Section, High Court, Madras.

+1cc to Mr.V.Raghavachari, Advocate SR.No.29914

S.A.No.422 of 2009
and
M.P.No.1 of 2009

RSV(CO)
GMY(15/07/2021)