



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2021

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

S.A(MD)No.426 of 2011

and

M.P(MD)No.2 of 2011

Gurunathan ... Appellant/Respondent/Defendant

Vs.

1.Maria Antony

2.David Selvakumar

3.Joseph Mariva Pavulia ... Respondents/Appellants/Plaintiffs

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the judgment and decree dated 19.10.2010, passed in A.S.No.43 of 2008 on the file of the Subordinate Court, Ambasamuthram, reversing the judgment and decree dated 29.08.2008, passed in O.S.No.43 of 2002 on the file of the District Munsif, Cheranmahadevi, Tirunelveli District.

For Appellant : Mr.V.Kannan

For Respondents : R2 & R3 Dist

JUDGMENT

When the matter came up for hearing on 08.11.2021, the learned counsel appearing for the appellant stated that the sole appellant died and sought time to take steps. Therefore, the matter was directed to be posted on 22.11.2021 and on 22.11.2021, there was no representation for the appellant and therefore, the matter was directed to be posted on 03.12.2021. Today, when the matter is taken up for hearing, the learned counsel for the appellant seeks time to take steps for the deceased sole appellant.

2. It is seen that the sole appellant died on 27.12.2012 and steps have not been taken for the deceased appellant till now. It appears that the legal heirs of the deceased sole appellant are not interested in prosecuting the matter further. Therefore, this Court is of the view that no useful purpose would be served in keeping the matter pending.



3. In view of the above, this second appeal is dismissed as abated. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-II)

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/ /2021

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Subordinate Judge,
Ambasamuthram.

2.The District Munsif,
Cheranmahadevi,
Tirunelveli District.

3.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai(2 copies).

Judgment made in
S.A(MD) No.426 of 2011
03.12.2021

SE(CO)

TR(10.12.2021) 2P 5C