



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2021

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

S.A(MD)No.803 of 2011

WEB COPY

Ponnambalam

... Appellant/Appellant/Plaintiff

Vs.

Ramaiah

... Respondent/Respondent/Defendant

Prayer : Second Appeal filed under Section 100 of the Code of Civil Procedure against the judgment and decree, dated 04.10.2010 passed in A.S.No.28 of 2009, on the file of the I Additional District Court, Madurai, confirming the judgment and decree, dated 18.12.2008 passed in O.S.No.441 of 2005 on the file of the I Additional Subordinate Court, Madurai

For Appellant : Mr.T.Srinivasaraghavan
For Respondent : Dr.D.Gnanasekaran

JUDGMENT

The learned counsel for the respondent submitted that the sole appellant died on 24.12.2018 itself and the learned counsel for the appellant has not taken any steps to implead his legal heirs.

2.The learned counsel for the respondent further submitted that the appellant and the respondent are brothers and the appellant has got no living wife with him, at the time of his death and no issues for impleading them as legal heirs.

3. The learned counsel for the appellant is not in a position to get any details regarding the legal heirs of the deceased sole appellant and hence, this Court is of the view that the appeal may be dismissed as abated, as the period of limitation to implead the legal heirs has already been lapsed.

4.In view of the above, the Second Appeal is dismissed as abated. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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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.

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To

- 1.The I Additional District Court,
Madurai.
- 2.The I Additional Subordinate Judge,
Madurai.
- 3.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.GNANASEKARAN, Advocate (SR-39600[F] dated
20/12/2021)

Judgment made in
S.A(MD)No.803 of 2011
16.12.2021

SAR(CO)
SB(30.12.2021) 2P 6C