



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2021

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

S.A(MD)No.497 of 2014

and

M.P(MD)Nos.1 & 2 of 2014

M.Kandasamy ... Appellant/Appellant/Defendant

Vs.

K.Palanichamy ... Respondent/Respondent/Plaintiff

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the judgment and decree dated 22.03.2012, passed in A.S.No.18 of 2011 on the file of the District Court, Karur, confirming the the judgment and decree dated 30.03.2011, passed in O.S.No.39 of 2009 on the file of the Additional Sub Court, Karur.

For Appellant	: Mr.A.Haja Mohideen
For Respondent	: Mr.P.Athimoola Pandian

JUDGMENT

When the matter came up of hearing on 05.09.2018, on the side of the respondent it was submitted that the respondent was no more and the appellant was directed to take steps on 01.10.2018. Again on 01.10.2018, it was adjourned to 22.10.2018 for taking steps finally. Again on 22.10.2018, it was adjourned to 29.10.2018 for taking steps or for orders and on 31.10.2018, at request of the appellant, again the matter was posted for taking steps on 22.11.2018. From the year 2018 to till today ie., on 25.11.2021, no steps have been taken by the appellant. Now the learned counsel for the appellant seeks further time for taking steps, for which, this Court is not inclined to grant time, since from the year 2018, sufficient opportunity has been given to him for taking steps.

2. The Second Appeal is of the year 2014 and the same was admitted on 18.06.2014. It is also stated that the sole appellant died on 05.01.2018. It appears that the legal heirs of the deceased sole appellant as well as deceased sole respondent 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 Petitions are dismissed.

Sd/-

Assistant Registrar (CS-III)

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/ /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.

To

- 1.The District Court,
Karur.
- 2.The Additional Sub Court,
Karur.
- 3.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

S.A(MD)No.497 of 2014
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RD(08.12.2021) 2P 5C