



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

S.A.No. 140 of 1996

and

C.M.P.Nos.11196 to 11198 of 2004

1.Nadaraja Gownder (Died)

2.Shanmuga Pillai

3.Sivagami

4.N.Kumar

5.N.Karunanithi

6.Thamizharasi

7.Kalaiarasai

..Appellants

(Appellants 3 to 7 brought on record as

LRs of the deceased first appellant viz.

Nadaraja Gownder vide order of Court

dated 01.04.2021 made in C.M.P.Nos.439 to 441/2013

in S.A.No.140/1996)

Vs.

1.Chandramathi

2.Saroja

3.Kasthuri

4.Minor.Saraswathy

5.Minor.Murugan

(Minor respondents through their
father and guardian 6th respondent
Perumal)

6.Perumal Gownder

7.Arumuga Gownder

8.Kuppammal

9.Amaravathy

10.Pitchakara Gownder

11.Minor.Janagarani

12.Minor.Manoharan

(11 & 12 respondents through
their mother 9th respondent Amaravathy)

13.Veerammal

14.Govindaraj

15.Minor.Uma

(Minor through her mother and guardian
16th respondent)

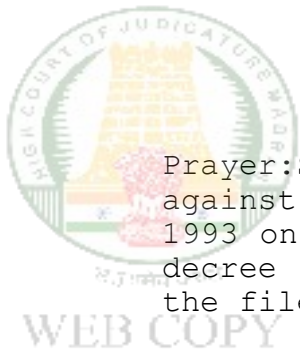
16.Kasiammal

17.Krishnamoorthy

18.D.Renga Gownder

19.Govinda Gownder

...Respondents



Prayer: Second Appeal filed under Section 100 Civil Procedure against the decree and judgment dated 03.04.1995 in A.S.No.40 of 1993 on the file of the Sub Court, Villupuram, filed against the decree and judgment dated 16.07.1991 in O.S.No.156 of 1984 on the file of the District Munsif Court, Thirukoilur.

For Appellants : Ms.K.Bhuvaneshwari
for M/s.A.R.Nixon

For RR2 to 6 : Ms.Abirami
for Mr.V.Raghavachari

JUDGMENT

A perusal of the records shows that the first respondent in the above second appeal died on 19.06.1999. The appellants have filed petitions in C.M.P.Nos.11196 to 11198 of 2004 to implead the legal heirs of the deceased first respondent.

2.Today when the matter is taken up for hearing, Ms.K.Bhuvaneshwari (Enroll No.2619/2008), learned counsel for the appellants, sought time to serve notice to the unserved respondents in the above C.M.Ps. It is also represented by the learned counsel for the appellants that the second appellant died on 05.07.2021 and she has filed a petition to bring on record the legal heirs of the deceased second appellant.

3.The petitions in C.M.P.Nos.11196 to 11198 of 2004 are filed in the year 2004 and till date the proposed respondents are not served with notice and the appellants did not show any interest in pursuing the matter.

4.It is also seen from the records that some of the respondents, who were minors at the time of filing of the appeal would now have become majors and no petition has been filed by the appellants to declare them as majors.

5.In the circumstances, I do not find any reason to grant adjournment in this case. Hence, the civil miscellaneous petitions are dismissed and the Second Appeal stand dismissed as abated. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Court,
Villupuram.
2. The District Munsif Court,
Thirukoilur.
3. The Section Officer,
VR Section, High Court,
Madras.

S.A.No. 140 of 1996
and
C.M.P.Nos.11196 to 11198 of 2004

SSN(CO)
RGA(04/05/2022)