



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM :

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

S.A.No.1720 of 1999
and Cross Objection No.1 of 2020,
C.M.P.Nos.18239 & 8848 of 1999, and 158 of 2009
(Through Video Conference)

M.Akbar ... 1st Defendant / Appellant/
Appellant

Vs.

1) Majebee

2) Ghouse Unnissa

3) Haisar

4) Minor Afsar

Minors 3 and 4 repd. by their mother
and natural guardian/ 1st respondent

5) Ansar @ Abdul Kapoor ... Plaintiffs/ RR 1 to 5/
Respondents

6) Rajendran ... 2nd Defendant/ R6/
Respondent

* R3 declared Major and R1 discharged from guardianship vide
order of this Court dated 25.09.2003 made in C.M.P.No.5548 of
2002

PRAYER: Second Appeal is filed against the Judgment and Decree
of the Court of the Principal District Judge, Villupuram in
A.S.No.141 of 1997 dated 24.12.1998 in modifying the judgment
and decree of the Court of the Sub Judge, Tindivanam in
O.S.No.49 of 1989 dated 29.03.1996.

For Appellant ... Mr.V.Raghavachari

For R-1 ... Died

For RR 3, 4 & 6 ... No Appearance

For RR 2 & 5 ... Mr.R.Muralidaran



JUDGMENT

Earlier, when the matter came up for hearing on 19.01.2021, it was submitted before this Court that, the first respondent is no more. This Court had granted adjournment for a period of three weeks for taking steps to implead the legal heirs of the deceased first respondent.

2. Today, when the matter is taken up for hearing, the learned counsel appearing for the appellant would submit that a letter has been sent to his client, informing that the first respondent is dead. Thereafter, no instruction has been received from the parties pertaining to the further action to be taken in the above second appeal.

3. Considering the submissions made by the learned counsel for the appellant, this Second Appeal is Dismissed for non-prosecution. In view of the same, no further orders are required in the cross objection petition filed in Cross Objection No.1 of 2020. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To:

1. The Principal District Judge, Villupuram.
2. The Sub Judge, Tindivanam
3. The V.R. Section, High Court, Madras.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.3542
+1cc to Mr.R.Muralidaran, Advocate, S.R.No.3265

S.A.No.1720 of 1999

MT(CO)
SB(01/03/2022)