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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU

Civil Miscellaneous Second Appeal No.14 of 2011
and
C.M.P.No.19368 of 2017

Muthalammal

... Appellant

Vs.

1.Periyapappal

2.Arumugam

... Respondents

CMSA is filed under Section 100 of C.P.C., against the judgment and decree dated 29.10.2010 passed in A.S.No.44 of 2008 on the file of Subordinate Judge, Kallakurichi, wherein confirming the judgment and decree dated 28.03.2003 passed in E.A.No.408 of 2005 in E.P.No.402 of 2004 in O.S.No.223 of 1998 on the file of Principal District Munsif Court, Kallakurichi.

For Appellant : Ms.Veena Suresh

For respondents : No appearance

JUDGMENT

This CMSA has been listed along with CMP.No.19368 of 2017. The said CMP has been filed to implead the petitioner-Chinnasamy as party respondent to the CMSA claiming that he is the brother of the deceased 2nd respondent.

2. The learned counsel for the appellant would submit that the appellant-Muthalammal died on 26.05.2018, 1st respondent-Periyapappal died on 21.01.2019 and the 2nd respondent-Arumugam died on 27.02.2014. She has also produced the death certificates of the respective parties.



3. Since the appellant and also the respondents died, the CMSA is dismissed as abated. No costs. Consequently, connected MP is closed.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

nvsri

To

1. The Subordinate Judge,
Kallakurichi,
2. The Principal District Munsif Court,
Kallakurichi.

C.M.S.A.No.14 of 2011

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NSK 31/03/2022