



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

S.A.No.944 of 2013
and M.P.No.1 of 2013

V.G.Shakunthala

...Appellant

Vs.

1.C.Kannan

2.V.Rangasamy

3.Kasi

4.Sri Raj & Co
Auction Company
having its office
at Sunkurama Chetty Street,
Chennai - 600 001.

5.M/s.Sai Sahara
Construction Company
having Office at
No.11, United India Colony Third Street,
Kodambakkam,
Chennai - 600 024.

6.P.Suresh Kumar

7.N.Mohan

8.Savithri

9.M.Selvam

10.Tamilarasi

... Respondents

PRAYER : Second Appeal filed under Section 100 of C.P.C.,
against the Judgment and Decree dated 21.09.2013 and made in
A.S.No.489 of 2006, on the file of the III Additional Judge,



City Civil Court at Chennai confirming the Judgment and Decree dated 26.10.2004 and made in O.S.no.1094 of 1996 on the file of the VI Assistant Judge, City Civil Court at Chennai.

WEB COPY

For Appellant : Mr.R.Thiagarajan

For Respondent : Mr.T.Viswantha Rao for R2

JUDGMENT

The order passed by this Court on 22.02.2022, directing the learned counsel for the appellant to take notice on respondents 1 & 8 through substituted service has not been complied with. In the meantime, it is reported that the sole appellant died in the year 2015. Steps have not been taken to implead the legal representatives of the appellant. Even though, the learned counsel for the appellant submitted that a petition was filed in the year 2015 to implead the legal representatives of the appellant, there is absolutely no proof to show that such a petition was filed. In any case, the appeal itself stands abated, since the legal representatives of the deceased sole appellant have not been brought on record.

2.In the result, the Second Appeal is dismissed as abated. It is left open to the legal representatives to file an appropriate petition to set aside the abatement and prosecute the Second Appeal. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

ssr

To

1.The III Additional Judge,
City Civil Court at Chennai.

2.The VI Assistant Judge,
City Civil Court at Chennai.



3.The Section Officer,
V.R.Section,
High Court, Madras.

+1cc to Mr.R.Thiagarajan, Advocate SR.No.19754

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GMR (CO)
CB (01/04/2022)