



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

S.A. NO.313 OF 2017

Rosammal

.. Appellant/
Respondent/Plaintiff

Vs.

Alamelu

.. Respondent/
Appellant/Defendant

Second Appeal is filed under Section 100 of Civil Procedure Code, 1908, against the judgment and decree dated 25.04.2014 passed by the Subordinate Judge, Thiruvallur in A.S. No.8/2012 by setting aside the judgment and decree dated 09.02.2010 passed by the District Munsif-cum- Judicial Magistrate, Uthukkottai in O.S. No.126/2007.

For Appellant : No appearance

For Respondent : Mr. A.Satheesh

J U D G M E N T

It is admitted that the sole appellant died during the year 2019. Despite reporting the death of sole appellant long back, no steps have been taken so far to bring on record the legal representatives of deceased appellant. Since steps have not been taken despite giving a fair opportunity, this Court finds that the counsel has not come forward with a petition to implead the legal heirs of deceased sole appellant. After verifying that the appeal is abated, this Court directed the Registry to list the matter today under the caption "For dismissal". Though, the matter is listed today under the caption "For dismissal, there is no representation on behalf of appellant.



2. Considering the fact that the counsel for the appellant is not interested in pursuing the matter for the reasons best known to him, this Court has no other option but to dismiss the appeal as abated. Accordingly, the Second Appeal is dismissed as abated. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bkn

To:

1. The Subordinate Judge, Thiruvallur.
2. The District Munsif-cum- Judicial Magistrate, Uthukkottai.

Copy To

The Section Officer,
VR Section, High Court,
Madras.

+1cc to Mr. A.Satheesh, Advocate, S.R.No.29040

S.A. No.313 of 2017

AKII (CO)
PM/10/05/2022