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O.S.A.No.244 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

AND

**THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN**

O.S.A.No.244 of 2017

P.Vetrivel

...Appellant

-Vs-

1.E.Madhusudhanan  
2.O.Paneer Selvam  
3.Semmalai  
4.TTV Dhinakaran  
5.K.Palaniswami

...Respondents

**Prayer:-** Original Side Appeal filed under Order XXXVI Rule 9 of O.S.Rules read with Clause 15 of the Letters Patent against the order and decreetal order in Original Application No.884 of 2017 in C.S.No.707 of 2017 dated 11.09.2017.

For Appellant

: M/r.C.Subramanian  
for M/s.Arulselvam Associates

For R3 & R5

: Mr.N.S.Amoghsimha  
for M/s.Gowtham Kumar

**JUDGMENT**



O.S.A.No.244 of 2017

[Judgment of the Court was made by **S.S.SUNDAR, J.,**]

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Though this appeal was filed in the year 2017, it has been reported that the appellant has passed away. Even in the suit a defence is taken as to the maintainability of the suit by the appellant as a member of the political party.

2. Having regard to the relief prayed for in the suit, the suit may not survive. It is admitted that the appellant died about two years back. No steps have been taken to implead the legal representatives of the deceased appellant.

3. This Court is unable to find any reason to keep this matter pending. Therefore, this appeal is liable to be **dismissed as abated**. It may be open to the learned counsel appearing for the appellant to file a petition to set aside the abatement if he has sufficient cause to file such a petition within the period of limitation.

[SSSRJ] [AANJ]  
08.12.2022

cda



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To

The Section Officer, VR Records,  
High Court, Chennai.

**S.S.SUNDAR, J.,**

**AND**



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**A.A.NAKKIRAN, J.,**  
cda

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