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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.04.2022

Coram:

THE HONOURABLE Mr.JUSTICE N.ANAND VEKATESH

Second Appeal No.611 of 2014
and
M.P.No.1 of 2014

1.Arjunan (died)
2.Sasikumar
3.Ambika
4.K.Mani
5.Ragupathi
6.Chinnaiah
7.Pushpa
8.Venkatraman
9.Anchalatchi
10.Devi
11.Lakshmi

..Appellants/Plaintiffs

.Vs.

Mr.A.K.Thangavel

..Respondent/Defendant

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree passed in A.S.No.62 of 2011 dated 16.12.2013 on the file of the Sub-Court, Poonamallee confirming the judgment and decree passed in O.S.No.112 of 2002 dated 15.12.2010 on the file of the District Munsif Court, Poonamallee.

For Appellants : Mr.B.Vijay

For Respondent : Sole respondent died

JUDGMENT

The matter came up for hearing on 30.03.2022 and this Court passed the following order:

The Court endorsement shows that the sole respondent had died in the year 2014 itself. The matter has come up for hearing atleast on seven earlier occasions and every time there is a representation from the counsel for appellants seeking for accommodation to file a petition to



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implead the legal representatives of the sole respondent. Even today, a junior counsel appears and seeks for time. Technically speaking this Second Appeal has abated long back.

As a last chance, the matter is posted under the same caption on 06.04.2022. It is made very clear that if no petition is filed by then, this Court will have no other alternative except to dismiss the Second Appeal on the ground that it has abated.

2. When the matter was taken up for hearing today, the learned counsel for the appellant circulated the letter sent by him to the appellant requesting the appellant to provide for the details of the legal representatives of the deceased respondent. The learned counsel submitted that the letter was received by the appellant on 05.04.2022 and in spite of the same, he has not received any instructions. The copy of the letter and the tracking sheet was also filed before this Court.

3. Recording the same, this Second Appeal is dismissed as abated. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Subordinate Judge,
Poonamallee.

2. The District Munsif Court,
Poonamallee.

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

+1cc to Mr. B. Vijay, Advocate SR. No. 23912

Second Appeal No. 611 of 2014

NRL (CO)

PR (19/04/2022)