



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

S.A(MD)No.739 of 2009

and M.P(MD) No.1 of 2009

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... Appellant/Appellant/Defendant

Vs.

Ponnusamy

... Respondent/Respondent/Plaintiff

Prayer : Second Appeal filed under Section 100 of the Code of Civil Procedure against the judgment and decree, dated 05.02.2009 passed in A.S.No.13 of 2008, on the file of the Subordinate Court, Srivilliputhur, confirming the judgment and decree, dated 22.10.2007 passed in O.S. No.498 of 2007 on the file of the Principal District Munsif Court, Srivilliputhur.

For Appellant : No Appearance

For Respondent : Mr.N.Sundareshan

JUDGMENT

When the matter was taken up for hearing on 03.12.2021, the learned counsel for the appellant submitted that the sole appellant died and he is not in a position to get any details regarding the legal heirs of the deceased appellant, since the matter is of the year 2009 and the matter was adjourned on various dates. Again on 28.01.2022, when the matter was called the learned counsel for the appellant reported "no instructions" and hence, the Registry is directed to print the name of the appellant in the cause-list.

2. Today, when the matter is taken up for hearing, there is no representation on behalf of the appellant either in person or through counsel and that the sole appellant is no more and the legal heirs of the deceased/appellant is not interested in prosecuting the case further.

3. In view of the same, the Second Appeal is dismissed as abated. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To

- 1.The Subordinate Court,
Srivilliputhur.
- 2.The Principal District Munsif Court,
Srivilliputhur.

Copy to
The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1 CC to M/s.N.SUNDARESHAN, Advocate (SR-3486[F] dated 01/02/2022)

Judgment made in
S.A(MD)No.739 of 2009
01.02.2022

Vr (CO)
TR(09.02.2022) 2P 6C