



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.01.2022**

CORAM

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

S.A(MD)No.413 of 2010

1.Meriam (died)
2.D.Ruphus
3.D.Raichel
4D.Jasper
5.D.Jernas

... Appellants/LRS of the
deceased 1st Appellant

(Appellants 2 to 5 are brought on record as legal
heirs of the deceased sole appellant vide order
dated 07.02.2010 made in M.P.No.2 of 2010 in SA
(MD).No.413 of 2010)

Vs.

1.Wilson
2.Stary Golda

...Respondents/Respondents/
Defendants

Prayer : Second Appeal filed under Section 100 of the Code of Civil Procedure against the judgment and decree, dated 05.02.2010 passed in A.S.No.41 of 2009, on the file of the Subordinate Court, Kuzhithurai, confirming the judgment and decree, dated 25.09.2008 passed in O.S.No.400 of 2005 on the file of the Principal District Munsif Court, Padmanabhapuram.

For Appellants : Ms.J.Anandhavalli

For Respondents : Mr.C.K.M.Appaji

JUDGMENT

The learned counsel for the appellants submitted that the second appellant died and sent a letter to get instructions, but no response from his legal heirs and the appellants 3 to 5 reported "no instructions".

2.The learned counsel for the appellants would further submit that he is not in a position to get any details regarding the legal heirs of the deceased second appellant and the legal heirs of the deceased/ second appellant is not interested in prosecuting the case, further.



3.In view of the above, the Second Appeal is dismissed as abated. No costs.

Sd/-

Assistant Registrar (CS-I)

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// 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.

To

- 1.The Subordinate Judge,
Kuzhithurai.
- 2.The Principal District Munsif,
Padmanabhapuram.

Copy to

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

+1 CC to M/s.J.ANANDHAVALLI, Advocate (SR-3092[F] dated 31/01/2022)

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