



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

S.A.(MD)No.518 of 2010

and

M.P.(MD)No.1 of 2010

Rajangam ... Appellant / Appellant / Defendant

-Vs-

Annadurai ... Respondent / Respondent / Plaintiff

(Sole Respondent deceased memo
filed in USR No.5123 dated 22.02.2022)

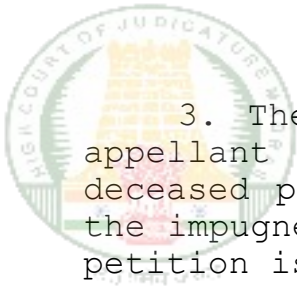
PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the decree and judgment passed in A.S.No.84 of 2007 on the file of the Principal Sub Judge, Kumbakonam, dated 19.08.2009 confirming the decree and judgment passed in O.S.No.41 of 2003 on the file of the II Additional District Munsif cum Judicial Magistrate Court, Kumbakonam, dated 19.01.2007.

For Appellant : Mr.S.Prabhu
for Mr.V.K.Vijayaragavan
For Respondent : Mr.V.Perumal

JUDGMENT

The defendant in O.S.No.41 of 2003 on the file of the II Additional District Munsif cum Judicial Magistrate Court, Kumbakonam is the appellant in this second appeal. During the pendency of the second appeal, the respondent / plaintiff is said to have passed away. This information is supplied by the learned counsel appearing for the respondent. However, he is unable to give the legal heirs particulars. The appellant's counsel is also handicapped.

2. The learned counsel appearing for the respondent has also filed a memo dated 21.02.2022 informing that the communication sent by him to his client returned with an endorsement 'deceased'. The returned cover has also been filed along with the memo.



3. Therefore the second appeal is closed with liberty to the appellant to reopen the same as and when the legal heirs of the deceased plaintiff apply to the executing court for enforcement of the impugned decree. No cost. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Principal Sub Judge,
Kumbakonam.
- 2.The II Additional District Munsif
cum Judicial Magistrate,
Kumbakonam.

Copy To

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

Judgment made in
S.A.(MD)No.518 of 2010
21.03.2022

KS (CO)
GC (08.04.2022) 2P 5C