



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

S.A.(MD)No.786 of 2010

WEB COPY

1.M.Palani

2.M.Ponnammal

3.M.Ariyammal (died)

4.P.Lingathevar (died)

... Appellants /Respondents /
Defendants

5.Pandi

6.Deivendran

7.Rasathi

(This Court *suo motu* impleaded the appellants 5 to 7 as legal heirs of the deceased third appellant vide order dated 28.03.2022)

8.Raja

9.Selvi

10.Vasanth

11.Deivakani

12.Malarkodi

(This Court *suo motu* impleaded the appellants 8 to 12 as legal heirs of the deceased fourth appellant vide order dated 28.03.2022)

-Vs-

1.Veeman

2.Panchu

...Respondents / Appellants /
Plaintiffs

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the decree and judgment passed by the III Additional Subordinate Judge, Madurai (Usilampatti Camp) in A.S.No.83 of 2007, dated 22.04.2010 reversing the decree and judgment passed by the District Munsif cum Judicial Magistrate, Usilampatti in O.S.No.5 of 2004, dated 27.02.2007.



For Appellants : Mr.R.R.Kannan

For R1 : Mr.J.Barathan

JUDGMENT

WEB COPY

The second respondent Panchu is no more. The notice sent by the appellant to the second respondent was returned with an endorsement 'deceased'.

2. The learned counsel appearing for the first respondent reports 'no instructions'. The memo dated 28.03.2022 has been filed to this effect. The said memo is taken on record. The appellant's counsel is expressing his difficulties that unless he is aware of the legal heirs details, he cannot bring them on record in the second appeal. Therefore, the second appeal is closed with liberty to the appellants to revive and reopen the second appeal as and when the impugned decree is put to execution. No cost.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rmi

To

1.The III Additional Subordinate Judge, Madurai (Usilampatti Camp).

2.The District Munsif cum Judicial Magistrate, Usilampatti.

Copy To

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

+1 CC to M/s.R.R.KANNAN, Advocate (SR-15022[F] dated 29/03/2022)

S.A.(MD)No.786 of 2010

28.03.2022

RK(28/04/2022) 2P 6C