



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2022

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

Second Appeal (MD) No.793 of 2010

1.P.Guruvuthai (Died)
2.C.Paramasivam
3.Minor P.Lawanya

.. Appellants/ Appellants/
1st Defendant and LR's of the
1st Defendant

[Minor 3rd appellant through his father
and next guardian 2nd appellant herein]

-vs-

1.P.Leelavathi

... 1st Respondent/ 1st Respondent/
Plaintiff

2.M.Devi
3.V.Muthukrishnan
4.T.Thangeswaran
5.C.Pitchai
6.P.Rajammal
7.S.Samuthiravel

... Respondents 2 to 7/ Respondents 2 to 7/
Defendants 2 to 7

8.P.Radha
9.P.Raja
10.P.Muthulakshmi
11.P.Dhanalakshmi

.. Respondents/ .../ LR's of
the Deceased 1st Defendant

[Appellants 2 & 3 and respondents 8 to 11 were brought on record as the LR's of deceased sole appellant vide Court order dated 25.10.2016 made in MP(MD) Nos.1 to 3 of 2014 in SA(MD) No.793 of 2010]

Prayer :- Second Appeal filed under Section 100 of Civil Procedure Code to set aside the Judgment and Decree of the Subordinate Judge, Sivakasi passed in A.S.No.14 of 2009 dated 04.12.2009 confirming the Judgment and Decree passed by the District Munsif Court, Sattur passed in O.S.No.54 of 2006 dated 13.04.2009.

For Appellant : Mr.P.Natarajan

For R1 : Mr.N.Dilip Kumar

For RR2 & 5 to 7 : Mr.S.Satish Kumar

<https://hcservices.ecourts.gov.in/hcservices/> FOR RRS & 8 to 11 : No appearance



JUDGMENT

This Second Appeal has been filed by the 1st defendant in O.S.No.54 of 2006 on the file of the District Munsif Court, Sattur. The suit was filed for the relief of declaration and permanent injunction. The Courts below decreed the suit in favour of the plaintiff. During the pendency of the second appeal, the plaintiff/1st respondent namely, P.Leelavathi passed away.

2. The learned counsel for the 1st respondent is unable to get instructions regarding the legal representatives. The original appellant also passed away and her LRs have come on record. They are also not in a position to obtain the LR particulars. In these circumstances, the Second Appeal is closed with liberty to the appellants to have the same reopened and restored to file as and when the LRs of the deceased plaintiff apply to the Executing Court for enforcing the impugned judgment and decree. With this liberty to the appellants, this Second Appeal is closed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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, Sivakasi.
- 2.The District Munsif, Sattur.

COPY TO:

The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai- 2C

- +1 CC to M/s.N.TAMILMANI, Advocate (SR-13282[F] dated 21/03/2022)
+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-13299[F] dated 21/03/2022)

S.A. (MD) No.793 of 2010
Dated: 18.03.2022

ABR
MS/31.03.2022/2P.7C