



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

S.A(MD)No.16 of 2013
and
MP(MD) No.1 of 2013

Vadalagan
Through his power agent
Muthuraman

... Appellant

Vs.

Pothiyalagan @ Ayyavu

... Respondent

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the judgment and decree made in A.S. No.37 of 2008 dated 23.06.2011 passed by the learned Principal Subordinate Judge, Dindigul in reversing the judgment and decree in O.S. No.57 of 2006 dated 31.01.2007 passed by the learned District Munsif cum Judicial Magistrate, Natham by partly decreeing the suit.

For Appellant	: Mr.P.Vairava Sundaram
For Respondents	: Mr.Mohamed Ibram Saibu for M/s.Ajmal Associates.

JUDGMENT

This Second Appeal is filed against the judgment and decree made in A.S. No.37 of 2008 dated 23.06.2011 passed by the learned Principal Subordinate Judge, Dindigul in reversing the judgment and decree in O.S. No.57 of 2006 dated 31.01.2007 passed by the learned District Munsif cum Judicial Magistrate, Natham by partly decreeing the suit

2. On 08.11.2018, the learned counsel for the appellant submitted that the sole appellant is no more and he would also submit that he could not verify the immediate heirs of the appellant and seeks two weeks time for taking steps. From the year 2018, the case is pending and the case was again taken on 09.11.2021. On 09.11.2021, the case was adjourned to 30.11.2021 and again on 30.11.2021 the case was adjourned to 14.12.2021 for taking steps. On 14.12.2021, the case was adjourned to 04.01.2022 for taking steps.



3. Even today(04.01.2022) no steps have been taken by the counsel for the appellant to implead the legal heirs as the sole appellant died.

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

Sd/-

Assistant Registrar (CS III)

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/ /2022

Sub Assistant Registrar(CS)

aav

To

1.The Principal Subordinate Judge, Dindigul

2.The District Munsif cum Judicial Magistrate, Natham

Copy to:

The Record Keeper, V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate(SR-433[F] dated
S.A(MD)No.16 of 2013
and
MP(MD) No.1 of 2013
04.01.2022

MGJ(12.01.2022) 2P 6C