



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

S.A(MD)No.602 of 2021

and

C.M.P(MD)No.7930 of 2021

Mahalingam ... Appellant/Appellant/Plaintiff

Vs.

1.Subramaniyan

2.Muthuvel

3.Vanmeekhanathan ... Respondents/Respondents/Defendants

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the judgment and decree dated 03.04.2019, passed in A.S.No.3 of 2014 on the file of the Sub Court, Pattukkottai, confirming the the judgment and decree dated 06.07.2011 passed in O.S.No.64 of 2009 on the file of the District Munsif Court, Pattukkottai.

For Appellant	: Mr.A.C.Asaitambi
For Respondents	: Mr.S.Deenadhayalan

JUDGMENT

When the matter came up of hearing on 08.12.2021, the learned counsel appearing for the appellant submitted that the sole appellant died and sought time for taking steps to implead the legal heirs of the deceased sole appellant.

2.When the matter is taken up for hearing today, the learned counsel appearing for the appellant submitted that inspite of taking earnest efforts to bring on record the legal representatives of the deceased sole appellant, the legal heirs of the deceased sole appellant are not interested in pursuing the matter further and hence, the learned counsel for the appellant reported 'no instructions'.

3.It appears that the legal heirs of the deceased sole appellant is not interested in prosecuting the matter further. Therefore, this Court is of the view that no useful purpose would be served in keeping the matter pending.



4.In view of the above, the Second Appeal is dismissed as abated. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

ps

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 Sub Judge,
Pattukkottai.
- 2.The District Munsif,
Pattukkottai.
- 3.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

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RD(31.01.2022) 2P 5C