

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.09.2022**

CORAM

THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH

A.S.(MD)No.36 of 2014
and
M.P.(MD)No.2 of 2014

1.Krishnaveni

2.Susila

... Appellants/ Plaintiffs 2 &3

/Vs./

1.O.P.Sundararajan

2.O.P.Rajendran

3.Jeyanthi

4.Ramya

5.L.Sundarraaj

6.Mariammal

7.State of Tamilnadu
Through its District Collector,
Thoothukudi.

8.Special District Revenue Officer,
(Land Acquisition),
National Highways,
Virudhunagar.

... Respondents / Defendants

9.Rajeswari

... Respondents/ Plaintiff No.1

PRAYER: Appeal - filed under Section 96 of the Code of Civil Procedure, praying this Court to allow the appeal setting aside the judgment and decree passed in O.S.No.66 of 2010 dated 18.02.2013 on the file of the learned Principal District Judge, Thoothukudi.

For Appellants : Mr.R.Venkateswaran

For Respondents : Mr.D.Sasikumar

Additional Government Pleader (For R7 & R8)

Mr.V.M.Balamohanthambi (For R2 & R4)

Mr.V.K.Vijayaragavan (For R1)

No appearance (For R3, R5, R6 & R9)

JUDGMENT

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

The learned counsel appearing on behalf of the respondents submitted that the second appellant died on 17.09.2016 and the fourth respondent died on 28.01.2022. No steps have been taken to implead the legal representatives. That apart, connected appeals in AS(MD)Nos.113 and 114

of 2013 were dismissed as withdrawn on the ground that the parties have already compromised the issue. It is therefore clear that the appellants in this appeal have also compromised the dispute and that is the reason why probably no steps have been taken to implead the legal heirs of the deceased second appellant and fourth respondent.

2.In view of the above, this Appeal Suit is dismissed as abated. No costs.

(J.N.B.,J.) (N.A.V.,J.)
22.09.2022
(3/3)

Index : Yes/No
Internet : Yes
sm

To:

1.The Principal District Judge, Thoothukudi.

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

sm

Judgment made in
A.S.(MD)No.36 of 2014
(3/3)

Dated
22.09.2022