



A.S.No.418 of 2011

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2023

CORAM

THE HON'BLE MR. JUSTICE **G.ARUL MURUGAN**

A.S.No.418 of 2011 and
M.P.Nos.1 & 2 of 2011

Ashhok Kumar Wadwa

... Appellant

Vs.

H.Shakeela Banu

... Respondent

PRAYER: Appeal Suit filed under Section 96 of Civil Procedure Code, R/w Order 41 Rule 1 of CPC, praying to set aside the judgement and decree dated 22.01.2011 passed in O.S.No.10162 of 2020, on the file of the Additional District & Sessions Judge (Fast Track Court No.III), Chennai.

For Appellant : Mr.R.Thanjan

For Respondent : Mr.A.Elango

JUDGMENT

The sole respondent in the appeal died, as early as on 06.12.2016 and till date, the legal heirs of the sole respondent has not been substituted on record.



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2. When the matter was listed on 07.11.2023, this Court passed the following order:

“The appeal is of the year 2011.

2.The sole respondent in the appeal died. On 28.07.2023, 16.08.2023 and 23.08.2023, the learned counsel for the appellant sought time to take steps to bring the legal heirs of the deceased sole respondent on record.

3.Today, the learned counsel for the appellant expressed some difficulty and requested one last opportunity to take steps to bring the legal heirs on record.

4.At his request, list the matter on 21.11.2023”

3. Even today, steps has not been taken to substitute the legal heirs of the sole respondent. It appears that the appellant is not interested in prosecuting the appeal by taking steps to substitute the legal heirs of the deceased sole respondent.

4. In view of the above, this Appeal suit is dismissed as abated. However, liberty is given to the appellant to file necessary petition, if they are able to ascertain the legal heirs of the deceased sole respondent to



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prosecute the appeal. Consequently, connected miscellaneous petitions are closed. No Costs.

22.11.2023

dpa

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

To

1.The Additional District & Sessions Judge
(Fast Track Court No.III),
Chennai.

2.The Section Officer, VR Section, High Court of Madras.



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