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A.S.No.660 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

AND

**THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN**

A.S.No.660 of 2016  
and C.M.P.No.20073 of 2016

G.R.Thangavelu

...Appellant

-Vs-

1.G.R.Indira  
2.G.R.Balasubramaniam  
3.Vasanthakumari @ Vasantha Bala  
4.G.R.Girija  
5.S.G.Ramkumar  
6.S.G.Shanmugasundaram(Died)  
7.Gomathi Sundaram  
8.Suresh Sundaram  
9.Shobana Sundaram

...Respondents

**Prayer:-** Appeal Suit filed under Section 96 r/w Order 41 Rule 1 of C.P.C., against the judgment and decree dated 05.10.2016 made in O.S.No.529 of 2004 passed by the learned III Additional District and Sessions Judge, Coimbatore.



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For Appellant

: Ms.K.Abhiname  
for Mr.V.Raghavachari

For R1

: Mr.C.D.Sugumar

### **JUDGMENT**

[Judgment of the Court was made by **S.S.SUNDAR, J.,**]

When the matter was earlier listed on 12.12.2022 it was reported that the 1<sup>st</sup> respondent in the appeal died in the year 2018. Taking note of the fact that steps had not been taken, this Court observed that the appeal is liable to be dismissed as abated as against the 1<sup>st</sup> respondent.

2.It is now admitted that the appeal is against the decree granting preliminary decree for partition in favour of the plaintiff/1<sup>st</sup> respondent against the appellant. Having regard to the admitted fact that the 1<sup>st</sup> respondent died long back and the appeal stands abated as against the 1<sup>st</sup> respondent, this Court finds that the appeal does not survive as against other respondents as well.



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3. Therefore, the appeal is dismissed as abated as against the 1<sup>st</sup> respondent and consequently dismissed against other respondents. No costs. Consequently, connected miscellaneous petition is closed.

[SSSRJ] [AANJ]  
02.01.2023

cda

To

1. The III Additional District and Sessions Judge,  
Coimbatore.
2. The Section Officer, VR Records,  
High Court, Chennai.



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**S.S.SUNDAR, J.,**

**AND**

**A.A.NAKKIRAN, J.,**

cda

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