



WEB COPY



S.A.No.26 of 2008
and M.P.No.1 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

S.A.No.26 of 2008

and

M.P.No.1 of 2008

1.E.Sidhan

2.E.Umashankar

..Appellants

vs.

1.Alamelu

2.Lakshmi (Died)

3.Lakshmi

4.Chinnammal

5.Irusayee

6.Indira

..Respondents

(R2 died. R1 are recorded as LR of the deceased R2 vide order of Court dated 11.11.2019 made in S.A.No.26 of 2008 as per memo dated 06.11.2019 in Sr.No.33233/2019 are recorded)

(Respondents 2 to 6 herein given upon necessary parties)

PRAYER: Second Appeal filed under Section 100 of Civil Procedure Code against the decree and Judgment dated 28.02.2007 in AS.No.156 of 2006 on the file of the Additional Sub Court, Salem, upholding the decree and Judgment dated 05.07.2006 in OS.No.546 of 2005 on the file of the I Additional District Munsif Court, Salem.



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For Appellants : Mr.K.Ponamni
For R1 : Mr.M.Vaidyanathan

JUDGMENT

It is seen from the records that the second appeal is dismissed as abated as against the second respondent vide order of this Court dated 27.02.2023. Though the first respondent died on 27.11.2022, till date no steps have been taken by the appellants to implead the legal heirs of the deceased first respondent. It is also seen from the records that the other respondents 3 to 6 have been given up.

2.In view of the above, this Second Appeal is dismissed as abated. No costs. Consequently, connected miscellaneous petition is closed.

17.04.2023

(1/2)

mtl

Index : Yes/No

Speaking / Non-speaking order

To

1. The Additional Sub Court, Salem.
2. The I Additional District Munsif Court, Salem.
3. The Section Officer, VR Section, High Court, Madras.



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R.HEMALATHA, J.

mtl

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