



SA.No.1110 of 2009

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2023

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

SA.No.1110 of 2009

and

M.P.No.1 of 2009

Chinna Gounder

... Appellant

Vs.

1.Palanisamy

2.Palaniammal

3.Pachiammal

4.Thangavel

5.Rani

... Respondents

PRAYER: Second Appeal filed under Section 100 of the CPC, against the judgement and decree in A.S.No.24 of 2007 dated 24.04.2008 on the file of the Principal District Judge, Salem, confirming the judgement in OS.No.681 of 1994 dated 23.09.2005 on the file of the Principal Subordinate Judge at Salem.



For Petitioner : M/s.D.Shivakumaran
For Respondents : No appearance [R.2 to R.5 served]
: R.1 - Died.

JUDGEMENT

It is informed that the sole appellant had died and a memo dated 27.02.2023 to that effect has been filed stating that the sole appellant had died and his son who has been contacted by the counsel after receipt of the letter dated 17.07.2021 has not reverted giving details of the legal representatives.

2. Considering the fact that the sole appellant had died as early as on 17.07.2021 and no steps have been taken to bring on record the legal representatives of the deceased appellant, the Second Appeal is dismissed as abated against the sole appellant.

3. It is also informed that the that the 1st respondent had died and the fact that his having died was brought to the Court's notice on 15.07.2021 itself. However, to date steps have not been taken to bring on record the legal representatives of the deceased 1st respondent, the Second Appeal is



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dismissed as abated against the 1st respondent.

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4. In fine, the above Second Appeal is dismissed as abated both on the ground that the sole appellant's legal representatives and the sole respondent's legal representatives have not been brought on record. The memo dated 27.02.2023 is recorded and taken on file. No costs. Consequently, the connected Miscellaneous Petition is closed.

27.02.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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To

1. The Principal District Judge, Salem.
2. The Principal Subordinate Judge at Salem.



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P.T. ASHA, J,

shr

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