



S.A.No.1296 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20..04..2023

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Second Appeal No.1296 of 2009

1. Amirdhammal
2. Suseela

..... Appellants

-Versus-

1. Jayaraman
2. Poongavanam

..... Respondents

Appeal filed under Section 100 of C.P.C. against the judgment and decree dated against the judgement and decree dated 19.06.2009 made in A.S.NO.64 of 2007 by the learned Principal Subordinate Judge, Thiruvannamalai, reversing the judgement and decree dated 13.07.2007 made in O.S.No.185 of 2006 by the learned Principal District Munsif, Chengam, Thiruvannamalai District.

For Appellants : Mr.G.Rajan for the 1st Appellant

For Respondents : Mrs.Veena Suresh for Respondents



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JUDGEMENT

The learned counsel or the appellants submits that Suseela, the 2nd appellant, is no more.

2. This court had granted time on 01.03.2023 stating that if steps are not taken, the second appeal will be dismissed as abated. This was pursuant to the order dated 06.07.2021, when the court recorded that the appellant had not taken steps.

3. Even today, the learned counsel for the 1st appellant submits that he had sent a notice to 1st appellant to enable her to take steps on 02.03.2023 and still the client has not come forward to take any further action in the matter.

4. In view of the above, this second appeal is dismissed as abated as against the 2nd appellant – Suseela. Since this appeal has been preferred as against a joint decree, this second appeal is dismissed as against the 1st appellant – Amirdhammal also. However, liberty is given to the 1st appellant to file appropriate applications seeking to (i) condone the delay in filing the application to set aside the abatement that was caused due to the death of the 2nd appellant; (2) set aside the abatement caused due to the death of the 2nd



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appellant; and (iii) to bring on record the legal representatives of the deceased

2nd appellant as appellants in the second appeal. No costs.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

- 1.The Prl. Subordinate Judge, Thiruvannamalai, Thiruvannamalai District.
- 2.The Prl. District Munsif, Chengam, Thiruvannamalai District.



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V.LAKSHMINARAYANAN, J.

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