



S.A.No.586 of 2010 & C.M.P. No.16115 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2023

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

S.A.No.586 of 2010
&
C.M.P. No.16115 of 2022

M. Subramanian

... Appellant

.. Vs..

Arumuga Gounder (deceased)

1. Lakshmi
2. Chinnammal
3. Elavarasi
4. Karamel Azhagan
5. Alamelu

... Respondents

RR1 to 5 brought on record as LR's of the deceased sole respondent vide order of Court dated 15.07.2015 in M.P. Nos.1 to 3/14 in S.A. No.586 of 2010.

PRAYER : Second Appeal filed under Section 100 C.P.C., against the decree and judgment dated 11.11.2008 in A.S.No.97 of 2007 on the file of the Principal Subordinate Court, Vridhachalam, upholding the decree and judgment in O.S.No.319 of 1996 dated 30.08.2005 on the file of the II Additional District Munsif Court, Vridhachalam.

For Appellant : No appearance

For R1, R2, R4 & R5 : M/s. N.S. Keerthitha

for M/s. Sarvabhauman Associates



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JUDGMENT

When the matter is taken up for hearing today, there is no representation on behalf of the appellant. Learned counsel for the respondents 1 , 2, 4 and 5 is present.

2. A perusal of the records shows that the third respondent, namely Elavarasi, died on 22.07.2014 and the petitions filed in CMP Nos.7935, 7936 & 7937 of 2016 to bring on record the legal heirs of the third respondent were not processed by the appellant by paying necessary batta. The Second Appeal is of the year 2010 and hence, I do not find any reason to keep the appeal pending.

3. In view of the same, this Second Appeal is dismissed for non prosecution. No costs. Consequently, connected miscellaneous petition is also dismissed.

02.06.2023

Index : Yes/No
Internet : Yes/No
bga



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To

1. The Principal Subordinate Judge, Vridhachalam.
2. The Additional District Munsif, Vridhachalam.
3. The Section Officer, V.R. Section, High Court, Madras.



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R. HEMALATHA, J.
bga

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