



SA.No.551 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM

THE HON'BLE Mr.JUSTICE C.KUMARAPPAN

S.A.No.551 of 2005

Srinivasa Udayar

... Appellant

- Vs -

1. Kannan Udayar

2.Thangavel Udayar

3. Ganesan

4. Palani

5. Shanmugam

... Respondents

Prayer : Second Appeal is filed under Section 100 of the Civil Procedure Code against the judgment and decree made in A.S.No.202 of 2003 on the file of II Additional Sub-Judge, Villupuram and dated 30.09.2004 in confirming the Judgment and Decree in O.S.No.382 of 2001 on the file of the II Additional District Munsif, Tirukoilur (Incharge) and dated 18.11.2002 and pass orders.



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For Appellants : Mrs. R. Abirami

For Respondent 1 and 2 : Died

For Respondents 3 to 5 :Ms. Nilaphar for Mrs.R. Meenal

JUDGMENT

This petition is filed to set aside the judgment and decree made in A.S.No.202 of 2003 on the file of II Additional Sub-Judge, Villupuram and dated 30.09.2004 in confirming the Judgment and Decree in O.S.No.382 of 2001 on the file of the II Additional District Munsif, Tirukoilur (Incharge) and dated 18.11.2002.

2. This Court vide conditional order dated 30.10.2023 directed the appellant to move an application to implead the legal heirs of the sole appellant failing which this second appeal will be dismissed.



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3. The learned counsel for the appellant would submit still they are not in a position to get the details of the legal heirs of the sole appellant. Therefore, this Court is of the view that no purpose would serve in keeping this matter pending. Hence, this Court is inclined to dismiss the second appeal as abated.

4. In the result, this second appeal is dismissed as abated. No order as to costs.

06.11.2023

smn

To

1. The II Additional Sub-Judge, Villupuram
2. The II Additional District Munsif, Tirukoilur



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C.KUMARAPPAN, J

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