



S.A.No.265 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2023

CORAM

THE HONOURABLE MR. **JUSTICE G.K.ILANTHIRAIYAN**

S.A.No.265 of 2020
and
C.M.P.No. 62 of 2023

N.Damodaran

....

Appellant

Vs

1. M.Chandran

2. Rajesh Kumar Jain

....

Respondents

Prayer :- This Second Appeal is filed under Section 100 of Civil Procedure Code against the Judgment and Decree dated 31.07.2019 made in A.S.No.5 of 2017 on the file of the Subordinate Judge, Arakkonam, by reversing the Judgment and Decree dated 19.12.2016 made in O.S.No.107 of 2013 on the file of the District Munsif, Arakkonam.

For Appellant : No appearance

For R1 : Mr.R.Vijayakumar

JUDGMENT

This Second Appeal is directed as against the Judgment and Decree dated 31.07.2019 made in A.S.No.5 of 2017 on the file of the Subordinate Judge, Arakkonam, by reversing the Judgment and Decree dated 19.12.2016 made in O.S.No.107 of 2013 on the file of the District Munsif, Arakkonam.



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2. It is seen from the records that the sole appellant died. Even then the learned counsel for the appellant did not take any steps to implead the legal heirs of the deceased sole appellant.

3. Therefore, the Second Appeal is dismissed as abated. However, the legal representatives of the deceased sole appellant are at liberty to approach this Court by way of appropriate petition to implead themselves at loss of dismissal. Consequently, connected miscellaneous petition is closed. No costs.

30.01.2023

Index : Yes/No
Internet : Yes/No
Speaking order/Non-speaking order
Lpp

To

- 1.The Subordinate Judge, Arakkonam.
- 2.The District Munsif, Arakkonam.



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G.K.ILANTHIRAIYAN, J.

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