



C.M.S.A(MD)No.33 of 2010

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.06.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.M.S.A(MD)No.33 of 2010

1.Tmt.Ponnammal

2.Pandiammal

... Appellants/Appellants/Petitioners

Vs.

1.Rani

2.The Administrative Officer,
and Executive Engineer,
Housing Board,
Ellis Nagar,
Madurai.

... Respondents/Respondents/ Respondents

PRAYER: Civil Miscellaneous Second Appeal is filed under Section 100 of Code of Civil Procedure r/w. Section 372 of Indian Succession Act, to allow the appeal and set aside the judgment and decree, dated 11.03.2008 made in C.M.A.No.21 of 2005 on the file of the I Additional District Court, Madurai confirming the order, dated 28.02.2005 made in S.O.P.No.45 of 1997 on the file of the Principal Sub Court, Madurai.

For Appellants : Mr.PT.S.Narendravasan

For R2 : Mr.R.Sivakumar
Standing Counsel



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JUDGMENT

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The present appeal has been filed by the petitioner in S.O.P.No.45 of 1997 challenging the order passed by the Courts below dismissing the said petition.

2. The 1st appellant herein contended that she is the legally wedded wife of one Mookaiah @ Mookudumban and the 2nd appellant claimed that she is the daughter of the said Mookaiah @ Mookudumban. According to the appellants, the said Mookaiah @ Mookudumban who was working in Tamil Nadu Housing Board had passed away on 29.08.1988. The 1st respondent in the appeal also claimed that she is the wife of the said Mookaiah @ Mookudumban. The succession O.P was filed by the appellants for claiming the terminal benefits of the deceased Mookaiah @ Mookudumban.

3. The trial Court after hearing both the parties, had dismissed the said succession O.P. The appeal filed by the appellants in C.M.A.No.21 of 2005 before the I Additional District Court was also dismissed. As against the same, the present second appeal has been filed.



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4. Pending second appeal, the 1st appellant who claims to be the wife of the deceased Mookaiah @ Mookudumban had passed away. The 1st respondent in the appeal, namely Rani who also claimed to be the wife of the deceased Mookaiah @ Mookudumban had passed away on 31.10.2009.

5. The learned counsel appearing for the appellants had filed a memo on 25th October 2010 to the effect that the said Rani had passed away without leaving any issues. However, the appellants have not initiated any action to implead the class II legal heirs of the said Rani who had passed away 14 years back.

6. Therefore, the Civil Miscellaneous Second Appeal stands dismissed as abated. No costs.

09.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The I Additional District Court,
Madurai.
- 2.The Principal Sub Court,
Madurai.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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Judgment made in
C.M.S.A(MD)No.33 of 2010

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