



S.A(MD)No.527 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

S.A(MD)No. 527 of 2017
and
C.M.P(MD)No. 11359 of 2017

M. Mookkiah

... Appellant

Vs.

1. S.Mayandi

2. Mahilampoo

3. S.Muthusamy

4. M. Chinna Irulan @ Kitchan

5. M.Muthukumar

6. M.Chellasamy

7. M.Singaraj

8. C.SIngakumar

... Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code against the Decree and Judgment, dated 04.09.2017 made in A.S.No.42 of 2016 on the file of the Sub Court, Srivilliputhur, reversing the well considered Judgment and Decree dated 01.04.2016 made in O.S.No.378 of 2013 on the file



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of Principal District Munsif Court, Srivilliputhur by way of allowing this Second appeal.

For Appellant : M/s.R.Suriyanarayanan

For Respondents : No appearance

JUDGMENT

This Second appeal is filed against the Decree and Judgment, dated 04.09.2017 in A.S.No.42 of 2016 passed by the Learned Sub Judge, Srivilliputhur, reversing the Judgment and Decree, dated 01.04.2016 in O.S.No.378 of 2013 passed by the Learned Principal District Munsif, Srivilliputhur and allow this Second Appeal.

2. For the sake of convenience, the contesting parties shall be referred to as Plaintiff and Defendants. The Plaintiff is the Appellant and the Defendants are Respondents herein.

3. Today, when the matter is taken up for hearing, the Learned Counsel appearing for the Appellant submitted that the sole Appellant died.



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Inspite of intimation sent through RPAD, the Learned Counsel appearing for the Appellant not instructed by the Legal Heirs of the sole Appellant to prosecute the matter.

4. Accordingly, this Second appeal stands dismissed. Liberty is granted to the Legal Heirs of the Appellant to restore and prosecute the matter, if so advised. No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
KSA

29.11.2023

To

1. The Subordinate Court,
Srivilliputhur.
2. The Principal District Munsif Court,
Srivilliputhur.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J

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**Judgment made in
S.A(MD)No. 527 of 2017**

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