



S.A.No.984 of 2001

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

S.A.No.984 of 2001

R.Rengadurai ... Appellant/Appellant/Plaintiff

Vs

1.Ramasami Iyengar ... 1st Respondent/2nd Respondent/
2nd Defendant

2.Govindarajan

3.Sampath Krishnan

4.Jegannathan

5.Rengamma

6.Jeyaletchumi ... Respondents 2 to 6/
Respondents 3 to 7/LRs of D1

7.S.R.Janakavalli (Did)

8.S.R.Rangarajan

9.S.Rajagopalan (Died) ... Respondents 7 to 9/
Respondents 8 to 10/Nil

*[R7 died and R8, who is already on record was
recorded as LR of deceased R7 vide order dated
04.04.2018 in S.A.No.984 of 2001]*

10.R.Saroja



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11.R.Mythily

12.R.Vijayarani

13.R.Sundarakannan

14.R.Renganayakki

... Respondents 10 to 14

***[RR10 to 14 were brought on record as LRs of the deceased
9th respondent vide order dated 24.01.2020 made in C.M.P.
(MD) Nos.11417 to 11419 of 2018 in S.A.No.984 of 2001]***

Prayer:- Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree dated 22.07.1999 made in A.S.No.179 of 1991 on the file of the I Additional District Judge cum Chief Judicial Magistrate, Trichirappali, confirming the judgment and decree dated 18.06.1990 made in O.S.No.23 of 1983 on the file of the I Additional Sub Judge, Trichirappalli.

For Appellant : Mr.K.Govindarajan

For RR2 to 4, 6 & 8: Mr.T.R.Rajaraman

For RR11 to 14 : Mr.K.Prabhakar

J U D G M E N T

It is seen from the records that the sole appellant, respondents 5 and 10 are no more. The second appeal is arising out of a suit for partition. If



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the second appeal abates as against some of the sharers, then the whole appeal has to be dismissed as abated. By recording the death of the sole appellant and respondents 5 and 10, this Second Appeal is dismissed as abated. However, there shall be no order as to costs.

19.01.2023

NCC : Yes/No

Index: Yes/No

Internet: Yes

abr

To

- 1.The I Additional District Judge cum
Chief Judicial Magistrate,
Trichirappali.
- 2.The I Additional Sub Judge,
Trichirappalli.
- 3.The Section Officer, VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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