



SA.No.1127 of 2003

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

SA.No.1127 of 2003

1.R.Kumarasamy

2.Mariyappan

3.N.Karuppiah

...Appellants

vs.

1.K.Gurubalan

2.K.Selvaraj

... Respondents

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 28.02.2003 in A.S.No. 111 of 2000 on the file of the II Additional Sub Court, Trichy reversing the Judgment and Decree dated 17.07.1998 in O.S.No.724 of 1987 on the file of the Principal District Munsif Court, Trichy.

For Appellants : Mr.R.Subramanian

For Respondents : Mr.J.Maria Roseline for R1

No appearance for R2



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ORDER

When the matter is taken up for hearing today, the learned counsel appearing for the appellants submitted that one of the appellants died. However, no steps have been taken till date.

2. The learned counsel appearing for the first respondent would submit that during the pendency of the present Second Appeal, the Government has acquired the subject lands at Srirangam and constructed District Munsif Court therein. Therefore, the relief sought for in the suit itself has become infructuous.

3. Though steps were not taken to bring on record the legal heirs of the deceased appellant to prosecute the appeal, in view of the submissions of the learned counsel for the first respondent, nothing survives for further adjudication in the matter. Therefore, the Second Appeal is dismissed as infructuous. However, the parties are at liberty to



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proceed in accordance with law, in case, anything survives for further adjudication in the matter. No costs.

25.04.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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To

- 1.The II Additional Sub Court,
Trichy
- 2.The Principal District Munsif Court,
Trichy



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P.VELMURUGAN, J.

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