



S.A.No.1966 of 2003

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2023

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

S.A.No.1966 of 2003

Madasamy Devar

...Appellant

vs.

Kadarkaraiyandi Asari

... Respondent

Prayer: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 09.07.2001 in A.S.No. 2 of 2000 on the file of the Subordinate Court, Sankarankoil modifying the Judgment and Decree dated 14.02.1885 in O.S.No.498 of 1981 on the file of the District Munsif Court, Sankarankoil.

For Appellant

: Mr.S.Natesh Raja

For Respondent

: No appearance



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JUDGMENT

The learned counsel appearing for the appellant submitted that the sole respondent in the appeal passed away long before. Court Notice sent to the sole respondent also returned with an endorsement 'deceased'.

2. Though the sole respondent died long before, till date, no steps have been taken by the learned counsel for the appellant to bring on record the legal representatives of the deceased sole respondent. In view of the fact that the sole respondent died long before, this appeal cannot survive and it gets abated automatically. Therefore, the Second Appeal is dismissed as abated. No costs.

03.08.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

mbi



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To

- 1.The Subordinate Judge, Sankarankoil
- 2.The District Munsif, Sankarankoil
- 3.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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KRISHNAN RAMASAMY, J.

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