



S.A.No.925 of 2004 & S.A.(MD)No.226 of 2005

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2023

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

S.A.No.925 of 2004 & S.A.(MD)No.226 of 2005

1.Lingaveni

2.Sivapandi

...Appellants in S.A.No.925 of 2004

1.Lingapushpam

2.Kartheesan

3.Prabhu

4.Jothi

5.Sundari

...Appellants in S.A.(MD)No.226 of 2005

vs.

Krishna Konar

... Respondent in both appeals

Prayer in S.A.No.925 of 2004: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 10.02.2003 in A.S.No.58 of 2000 on the file of the Principal District Judge, Tuticorin confirming the Judgment and Decree dated 04.01.2000 in O.S.No.10 of 1998 on the file of the Additional District Munsif, Tiruchendur.



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Prayer in S.A.(MD)No.226 of 2005: Second Appeal filed under Section 100 of the Code of Civil Procedure against the Judgment and Decree dated 08.04.2003 in A.S.No.33 of 2002 on the file of the Subordinate Judge, Tuticorin confirming the Judgment and Decree dated 08.01.2002 in O.S.No.82 of 1999 on the file of the Additional District Munsif, Tiruchendur.

In both appeals,

For Appellants : Mr.M.P.Senthil
for Mr.J.Antony Jesus

For Respondent : No appearance

COMMON JUDGMENT

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

2. Though the sole respondent in both appeals died long before, till date, no steps have been taken by the learned counsel for the appellants



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to bring on record the legal representatives of the deceased sole respondent in both appeals. In view of the fact that the sole respondent in both appeals died long before, these appeals cannot survive and they get abated automatically. Therefore, the Second Appeals are dismissed as abated. No costs.

03.08.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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To

- 1.The Principal District Judge, Tuticorin
- 2.The Additional District Munsif, Tiruchendur.
- 3.The Subordinate Judge, Tuticorin
- 4.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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KRISHNAN RAMASAMY, J.

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