



S.A. No. 1324 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

S.A. No.1324 of 2008

and

M.P.No. 1 of 2008

Settu

.. Appellant

Versus

1 Thangavelu

2 Murugesan

3 Duraisami

4 Govindammal

5 Appavoo (exparte)

6 Chinnathambi (exparte)

.. Respondentss

Prayer:- Second Appeal has been filed under Section 100 C.P.C., against the judgment and decree dated 29.08.2007 made in A.S.No.4 of 2007 on the file of Court of Subordinate Court, Attur confirming the judgment and



S.A. No. 1324 of 2008

decree dated 20.11.2006 made in O.S.No.398 of 1998 on the file of District

Munsif Court, Attur.

For Appellant : Mr.T.R.Rajaraman

For Respondents : Mr.P.Rajavel
for R1 to R4

R5 to R6 – Exparte

JUDGEMENT

The appellant herein, who is the plaintiff had filed a suit in O.S.No.398 of 1998 before the trial court against the defendants for the relief of permanent injunction and mandatory injunction and the same was dismissed. Challenging the said findings, he preferred an appeal in A.S.No.4 of 2007 on the file of Sub-Court, Attur and the same was also dismissed confirming the findings of the trial court. Against which, the plaintiff preferred this Second Appeal.

2. Today, when the matter taken up for hearing, the learned counsel appearing for the appellant and the learned counsel for respondents 1 to 4



S.A. No. 1324 of 2008

appeared. Earlier, on 14.08.2024, the learned counsel for appellant brought to the notice of this court that sole appellant died, but so far steps was not taken for impleading his legal heirs.

3. Considering the fact that on 14.08.2024 though the learned counsel for appellant reported sole appellant died, so far, no steps taken for impleading his legal heirs, the Second Appeal is liable to be dismissed as abated. Accordingly, this Second Appeal is dismissed as abated. No costs. Consequently, the connected Miscellaneous Petition stands closed.

09.09.2024

rpp

To

Subordinate Judge,
Attur.



WEB COPY



S.A. No. 1324 of 2008

T.V.THAMILSELVI, J.

rpp

S.A. No. 1324 of 2008

09.09.2024