



S.A. No. 1174 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2024

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

SA NO. 1174 of 2007

AND

MP NO.1 OF 2007

M.R.Samiappan

...Appellant

Vs

1.Pongali Mudaliar

2.Senniyappan

3. The District Collector
Erode District, Erode.

4. Tahsildar,
Kangayam, Erode District.

5. Kannammal

6. Sarasu

...Respondents

Prayer:- Second Appeal has been filed under Section 100 C.P.C., against the judgment and decree dated 31.07.2006 made in A.S.No.40 of 2004 on



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the file of Subordinate Court, Dharapuram, Erode District confirming the judgment and decree dated 19.07.2004 made in O.S.No.281 of 1999 on the file of District Munsif Court, Kangayam, Erode Dt.

For Appellant : Mr.P.Navaneetha Krishnan

For Respondents : Mr.R.Siddharth
Govt.Advocate for R3 and R4

No appearance – R1, R2 & R5
R6 - No Such Person

JUDGEMENT

The appellant herein, who is the plaintiff filed a suit in O.S.No.281 of 1999 before the trial court against the defendants for the relief of declaration and recovery of possession and the same was dismissed. Challenging the said findings, he preferred an appeal in A.S.No.40 of 2004 on the file of Sub-Court, Dharapuram 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 3 and 4



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appeared. The learned counsel for appellant submitted that sole appellant died and she has not given any instructions to them. Furthermore, the learned counsel for other respondents 1,2 and 5 have not taken any steps.

3. Considering the fact that the learned counsel for appellant reported sole appellant died and learned counsel for other respondents viz., 1,2 and 5 have not taken any steps, 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.

18.12.2024

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To

1. Subordinate Judge,
Dharapuram, Erode Dt.
2. The District Collector
Erode District, Erode.
3. Tahsildar,
Kangayam, Erode District.
4. The Public Prosecutor,
High Court, Madras.

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T.V.THAMILSELVI, J.

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