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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

S.A.No.1010 of 2006

and

M.P.Nos.1,2 and 3 of 2014

1. Mrs.Soundammal
2. Thangavel
3. Mrs.Uma
4. Parthasarathy
5. Gunasekaran
6. Sampath

... Appellants

Vs.

1. Subramaniam
2. Vasanthamohan
3. Balaji
4. Muthusamy
5. The Assistant Executive Engineer,
T.N.E.B., Poolavadi, Udumalpet
6. Junior Engineer,
T.N.E.B., Poolavadi, Udumalpet
7. Superintending Engineer
T.N.E.B., Udumalpet.

... Respondents



Prayer : Second Appeal filed under Section 100 of CPC against the decree and judgment dated 16.12.2004 of the learned Subordinate Judge of Udumalpet allowing the First Appeal No.14 of 2004 and reversing the decree and judgment dated 01.04.2004 of the learned District Munsif, Udumalpet in O.S.No.101 of 1998.

For Appellants : Mr.V.Raghupathi

For Respondent No.2 : Mr.N.Thiagarajan

For Respondent No.5 : Mr.V.Viswanathan

For Respondent
Nos.3,4 & 6 : No appearance

JUDGMENT

In this appeal, the first respondent, who is the first plaintiff in the suit, died as early as in 2008. After a long time, in 2014, petition to condone the delay in filing petition to set aside the abatement, petition to set aside the abatement and petition to permit the petitioners to bring on record the legal heirs of the deceased Subramanian, were filed. But, it is seen that those Civil Miscellaneous Petitions were dismissed for non-prosecution. Thereafter, this matter has been listed before this Court on 09.01.2024, 22.01.2024, 31.01.2024 and 20.02.2024.



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2. Learned counsel for the appellants represented that they are taking steps to restore the Civil Miscellaneous Petitions.

3. However, the fact remains the first respondent died on 21.02.2008 and this appeal got abated in 2008 itself and the Civil Miscellaneous Petitions were also dismissed. The first respondent is the contesting party and till date no steps have been taken to restore the Civil Miscellaneous Petitions to substitute the legal heirs. The appellants are not interested in prosecuting the case and hence, there is no purpose in keeping the matter pending. Hence, this Second Appeal is dismissed as abated. Consequently connected Miscellaneous Petitions are closed. No costs.

12.03.2024

Index : Yes / No
Internet : Yes/No
Neutral Citations : Yes/No
adl

To
1. The learned Subordinate Judge,
Udumalpet.
2. The learned District Munsif,
Udumalpet



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G.ARUL MURUGAN, J.

adl

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