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S.A.No.386 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

THE HONOURABLE Mr. JUSTICE G.ARUL MURUGAN

S.A.No.386 of 2007

and

M.P.No.1 of 2007

1.Sadaiyan (died)

2.Thangavelu

3.Selvaraj

4.Ayyavoo

5.Krishnan

6.Sellammal

7.S.Rajendiran

8.S.Ganesan

9.S.Balasubramanai

10.S.Dhandapani

11.Selvaraji

12.Jyothi

... Appellants

(Appellants 6 to 12 brought on record as LR's of the deceased 1st appellant vide order dated 17.09.2013 in M.P.Nos.1 to 3 of 2012)

vs.

1.Palaniammal

2.Kuppayee

3.Mani

4.Rangasamy

5.Veerammal

6.Anjali

...Respondents



S.A.No.386 of 2007

Prayer:- Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 24.07.2006 in A.S.No.2 of 2006 passed by the learned Sub Judge, Sankagiri, reversing the judgment and decree dated 20.04.2004 in O.S.No.21 of 1992 passed by the learned District Munsif Judge, Athur.

For appellants	: No appearance
For R1 to R4	: Mrs.R.Meenal for Mr.R.Subramanian and Mr.T.Sezhian
For R5 & R6	: Died

J U D G M E N T

In this Second Appeal, the appellants 4 and 5 died and the respondents 5 and 6 also died.

2. When the matter was listed on 09.03.2023, it was represented by the learned counsel for the appellants that they will take steps to substitute the legal heirs of the deceased parties on record. Again when the matter was listed on 13.03.2023, no steps were taken and four weeks time was granted for taking steps. Again when the matter was



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listed on 04.01.2024, no steps were taken to substitute the legal heirs and the matter was adjourned to 23.01.2024.

3. Even today when the matter is listed for hearing, no steps have been taken to substitute the legal heirs of deceased appellants 4 and 5 and deceased respondents 5 and 6. It is evident that the appellants are not interested in prosecuting this Second Appeal by taking suitable steps. Hence, there is no purpose in keeping this Second Appeal in pending.

4. Accordingly, this Second Appeal is dismissed as abated. Connected miscellaneous petition is closed. There shall be no order as to costs.

23.01.2024.

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
apd

To

1. The Sub Judge, Sankagiri.
2. The District Munsif Judge, Athur.
3. The Section Officer, V.R.Section, High Court, Madras.



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G.ARUL MURUGAN,J

apd

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