



S.A.No.237 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE P.B.BALAJI

S.A.No.237 of 2009
& Cross Objection No.85 of 2009
& M.P.No.1 of 2009

K.Kolandasamy

... Appellant

Vs

1.Kolandan
2.Manokaran
3.Manickam
4.Gandhi
5.Geetha
6.Deepa
7.Mohan
8.Pappal

... Respondents

[RR4 to 8 brought on record as LR's of the deceased R2 vide order dated 19.08.2015 made in M.P.Nos.1 to 3 of 2014 in S.A.No.237 of 2009]

Prayer: The Second Appeal filed under Section 100 of the Civil Procedure Code against the Judgment and Decree dated 19.01.2009 made in A.S.No.86 of 2008 on the file of the First Additional Sub-Court,



S.A.No.237 of 2009

Erode, reversing the judgment and decree dated 08.07.2008 made in O.S.No.14 of 2006 on the file of the First Additional District Munsif Court, Erode.

For Appellant : Mr.K.Mekala

For Respondents

For RR1 & 3 : Mr.V.Rajesh

For R2 : Died (steps taken)

JUDGMENT

Ms.K.Mekala, learned counsel representing Mr.N.Manokaran, learned counsel for the appellant would submit that the sole appellant passed away and his only legal representative, namely his wife is not interested to pursue the litigation and hence, she prays for the said submission to be recored and the Second Appeal accordingly be disposed of.

2.Recording the said submission made by the learned counsel for the appellant, the Second Appeal is dismissed as abated. There shall be no order as to costs. Connected Miscellaneous Petition is closed.



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However, since there is a cross objection filed by the respondents in S.A.No.237 of 2009, the learned counsel for the cross objector seeks time to verify whether the cross objectors have any interest to pursue the cross objection or as to whether they will also be withdrawing the same.

3.Post the cross objection on 04.10.2024. In the event of the cross objector intending to pursue the cross objection, liberty is granted to the appellant's wife to revive the second appeal by filing appropriate application.

24.09.2024

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

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To

- 1.The First Additional Sub-Court, Erode.
- 2.The First Additional District Munsif Court, Erode.
- 3.The Section Officer,
VR Section,
Madras High Court,
Chennai.



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P.B.BALAJI,J.

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