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S.A.No.2059 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

THE HONOURABLE Mr. JUSTICE G.ARUL MURUGAN

S.A.No.2059 of 2004
and
C.M.P.No.17539 of 2004

1.S.Krishnan (died)
2.Kanagammal

... Appellants

VS.

1.Kaliamurthy
2.Sekar
3.Murugan

... Respondents

Prayer:- Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 20.07.2004 in A.S.No.206 of 2003 passed by the learned II Additional Subordinate Judge, Villupuram, reversing the judgment and decree dated 25.04.2003 in O.S.No.90 of 2001 passed by the learned Additional District Munsif, Villupuram.

For appellants : Mr.N.Suresh

For respondents : Mrs.R.Meenal



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JUDGMENT

The learned counsel for the appellants submits that the first appellant in this Second Appeal already died. Since no steps were taken, this Second Appeal as against the first appellant has been dismissed as abated vide order dated 07.02.2023. Further, no separate cause of action survives for the second appellant. In spite of indicating the parties, there are no instructions from the side of the appellants to take necessary steps in this regard.

2. The learned counsel for the appellants further submits that this Second Appeal may be dismissed as abated and also makes an endorsement to that effect in the bundle.

3. In view of the same, this Second Appeal is dismissed as abated. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

30.01.2024.

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

apd



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To

1. The II Additional Subordinate Judge, Villupuram.
2. The Additional District Munsif, Villupuram.
3. The Section Officer, V.R.Section, High Court, Madras.



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G.ARUL MURUGAN,J.

apd

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