



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

S.A.No.898 of 2009

and

M.P.No.1 of 2009

- 1.Muniammal
- 2.Thangaraj
- 3.Sekar
- 4.Ambiga
- 5.Singaravelu
- 6.Sukumaran
- 7.Sankar
- 8.Manimegalai

... Appellants

Vs.

1. Madhiazhagan
2. Arivazhagan
3. Kalaivanan
- Chinnakuladaiammal (died)
4. Molavi

... Respondents



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Prayer : Second Appeal filed under Section 100 of CPC against the judgment and decree dated 31.07.2008 passed in A.S.No.11 of 2008 on the file of the Sub Court, Kanchipuram in confirming the judgment and decree dated 06.09.2007 passed in O.S.No.598 of 1998 on the file of the Additional District Munsif Court, Kanchipuram.

For Appellants : Mr.M.Tamil Thendral Arasu
for Mr.P.Mani

For Respondent Nos. 1 to 3 & 5 : No appearance

For Respondent No.4 : Died.

JUDGMENT

The suit filed by the plaintiffs had been dismissed and the appeal filed thereon was also dismissed. Challenging the concurrent finding, appellants filed this second appeal. It is on record that fourth respondent in the appeal died in the year 2021 itself. Even though the matter is adjourned on several occasions no steps have been taken. Counsel for the appellants also sent registered notice for the parties intimating that necessary steps have to be taken. As no steps have been taken to substitute the legal heirs of fourth



respondent in the second appeal, the second appeal is dismissed as abated.

Consequently connected Miscellaneous Petition is closed. No costs.

05.03.2024

Index : Yes/No

Internet : Yes/No

adl

To

1. The Sub Court, Kanchipuram.
2. The Additional District Munsif Court, Kanchipuram.



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G.ARUL MURUGAN, J.

adl

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